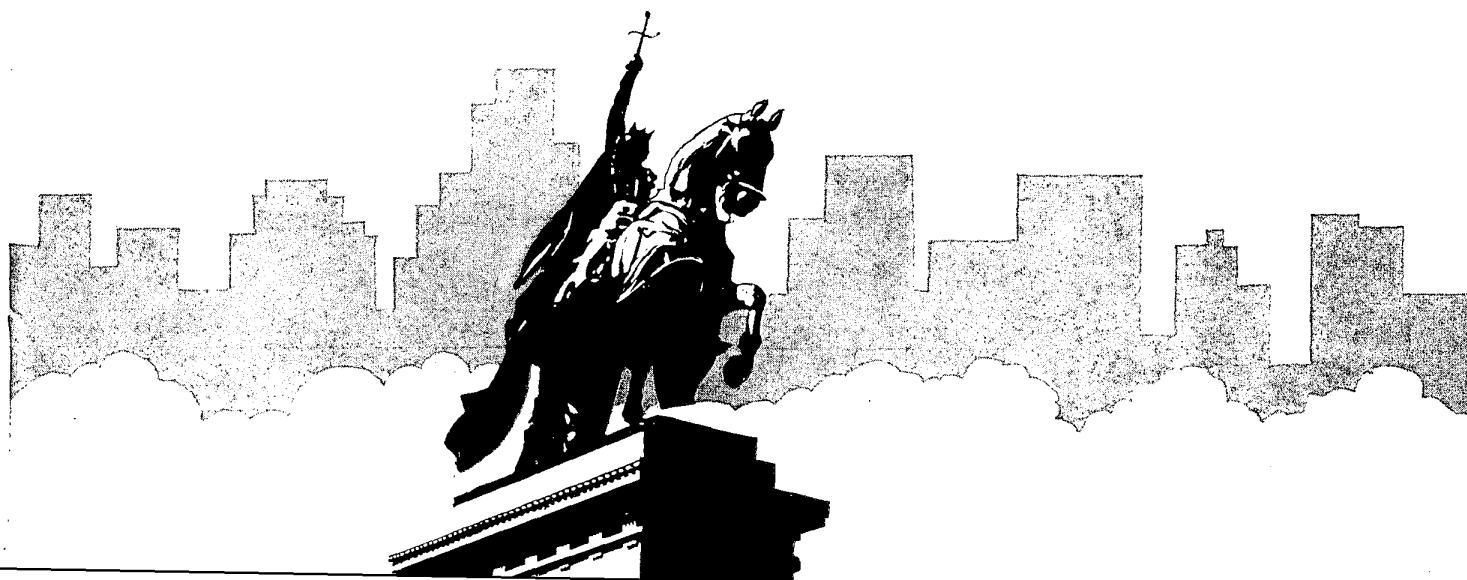


April 1961

# THE *Student* *Lawyer*

JOURNAL OF THE AMERICAN LAW STUDENT ASSOCIATION

*Spirit of St. Louis . . . See page 11*



Meet Me in St. Louis

13th  
annual  
meeting



American  
Law  
Student  
Association

**AUGUST 5-10, 1961 • HEADQUARTERS: AMBASSADOR HOTEL**

#### **REGISTRATION FACTS**

- Any law student in the United States is eligible and is invited to attend the ALSA Annual Meeting. He may register as an official delegate of an ALSA member association or as an individual delegate.
- ⊙ A registration fee of \$12 per person will cover tickets to the ALSA Reception, the Host School Breakfast, the Annual ALSA Luncheon, and all other scheduled activities of the Meeting.
- ⊙ January Inn, the student bar association of Washington University School of Law in St. Louis, will act as host for the meeting.
- ⊙ A detailed program for the 1961 Annual Meeting may be found on pages 11 and 12 of the *Journal*. Further information will also appear in the June, 1961 *Student Lawyer Journal*.

Original copy

THE

# Student Lawyer



JOURNAL OF THE AMERICAN LAW STUDENT ASSOCIATION

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## EDITOR'S NOTES

### ALSA Returns to St. Louis

St. Louis, in 1949, witnessed the founding of the American Law Student Association. Now the second-largest legal organization in the United States (only the American Bar Association is larger), the ALSA returns to the city of its founding to conduct its 13th Annual Meeting. Those who attended last year's record-breaking meeting in Washington know how exciting and valuable these get-togethers can be. We are sure all our readers will be interested in this conclave. A review of its events may be found on page 11.

### Graduation Just Around the Corner

There is no need to remind 10,000 of our readers that graduation time is fast approaching. Many seniors have already completed their plans for beginning their career in law—others have not yet made their final decisions. We would like to direct the attention of both those groups, as well as the other law students who will eventually be faced with this problem, to two feature articles: *Government Service and Your Career Decision* by Thomas D. Phelps (page 5); and, *A Law Placement Primer* by Ruth B. Traynor, the first part of a two-part series, beginning on page 18.

### The Lawyer's World

Three of this issue's articles give an indication of the broad scope of interest found in the legal world. *What You Should Know About the Peaceful Settlement of International Disputes*, by Eric H. Hager, the first part of which drew much favorable comment from our readers, is completed in this issue. Those law students who are particularly interested in the problems of international law should also note the announcement of a new essay competition on "World Peace Through Law" (page 24).

A new facet of the complex subject of evidence is reported by Armand Arabian, Chairman of the ALSA's new *Medico-Legal Committee*, in his article, *Some Basic Facts About Medico-Legal Photography*.

J. Edgar Hoover continues his interesting and informative series on the FBI, with an article entitled, *The Administration and Organization of the Federal Bureau of Investigation*. Those graduates who may be considering a career with the Bureau will find a detailed review of the qualifications for a Special Agent in the article.

### Law Day and the Law Student

It is almost impossible to conceive of any member of the legal profession who is unaware that May 1st is *Law Day, USA*. President James D. Batchelor takes this observance for the keynote of his President's Page; and the *Newsletter* provides information on the material available to aid in the preparation of a suitable observance of the day. *Good Reading!*

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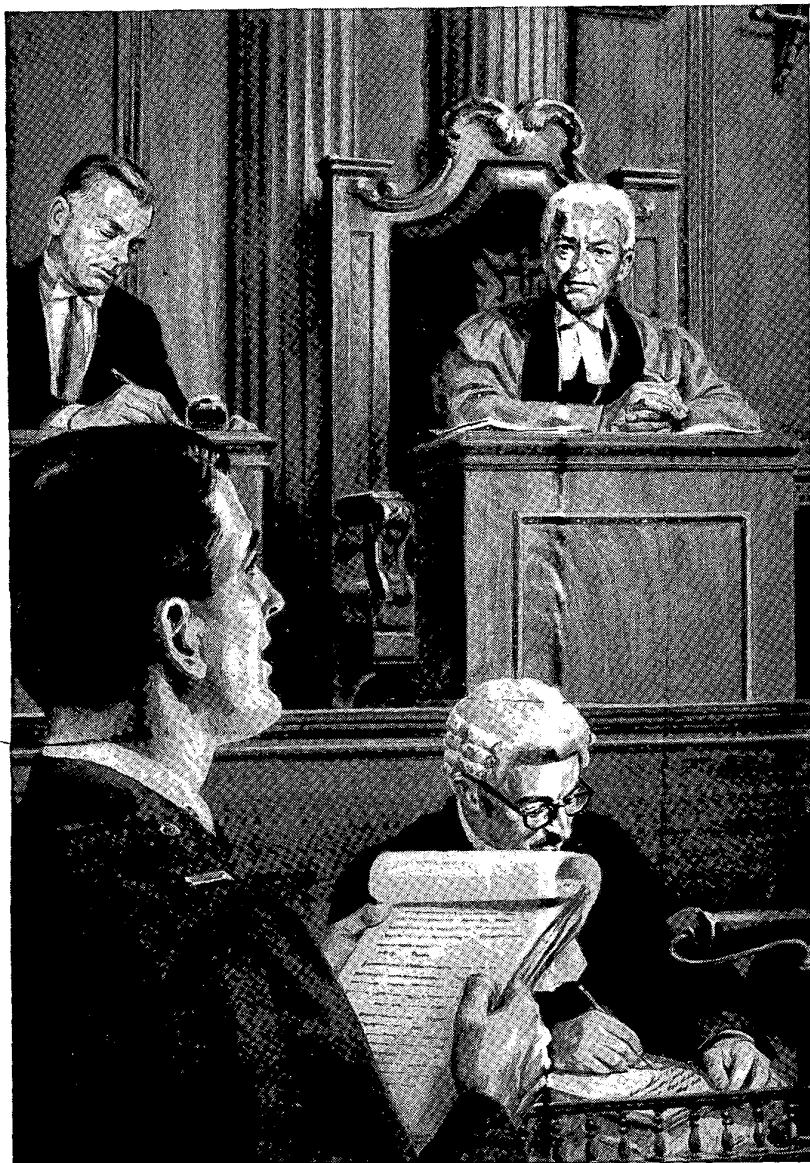
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The *Student Lawyer Journal* invites its readers to contribute any manuscript, review or suggestions of items for publication. Because of limited space, only a few of the articles submitted can be published, but every contribution received will be carefully considered by the Editors. Articles in excess of 3,000 words, including footnotes, cannot ordinarily be published.

Manuscripts submitted must be typewritten originals (not carbon copies) and must be double or triple spaced, including footnotes and any quoted material.

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## The President's Page

*THIS MONTH President Batchelor discusses the celebration of Law Day as a time for the re-evaluation of the profession's contribution to the advancement of the rule of law.*



James Dan Batchelor

LAW DAY U.S.A. is a day of recognition of the fact that the legal structure of American society is basic to its stability, strength, and continuance. Law Day U.S.A., first celebrated by Presidential proclamation in 1958, is dedicated to focusing attention of lawyers and laymen alike upon the purpose and function of law in our nation. The American Law Student Association and its member associations have taken a leading part in advancing recognition of this event in the nation's law schools.

Any public observance, however, has the danger of becoming a merely superficial celebration, a time to pat each other on the back, thus losing sight of its real purpose—a penetrating introspection and re-evaluation of the meaning of the “rule of law.” Law, like other aspects of a growing society, has direction and a dynamic quality of growth. And it is to this matter of direction that members of the profession give too little thought.

While it should be apparent that law is the product of a people's ideals, mores and aspirations; it should not be forgotten that law is also a determinant of individual conduct. Law is not something which merely exists, but a living force which must have room for creativity.

To cite an example, criminal law has been a basic means for the regulation and order of society. What attention does it receive today? In the minds of many, criminal law has been relegated to the status of an inferior practice—an area of endeavor neither financially rewarding or attractive to “higher class” lawyers. Such an attitude does injustice to the entire profession and to one of its fundamental responsibilities. The defense of unpopular cases and persons is a part of this responsibility, for it is an essential ingredient of freedom under law and its needs should not be taken lightly.

The enactment of the criminal codes does not receive the care they deserve. Our developing comprehension of human instinct, motivation and behavior—even though it lags behind those fields of thought more susceptible to empirical evaluation—should be more widely employed in reviewing the criminal statutes. This comprehension should be manifested in our penal and mental institutions—both of which are often woefully inadequate.

The complex inter-relation of every section of our country

has brought into prominence the economic aspect of law. Anti-trust laws, trade regulations, labor law, “blue sky” laws, et al. are the superstructure and framework for functioning productivity. The gross national product is certainly not disassociated from law. Today, and we should expect increasingly in the future, an understanding of the economic implications of law will be required of us. The development and application of economic regulations require considerable legal thought. While the technological revolution may be considered a cause of economic regulation—economic understanding will determine its result.

Of greater importance is the relation of law to values. While reality may never correspond with the values or the end-results we seek to attain and protect through law, the individual, social, and political values protected through law must not be submerged by a tide of intricate statutory prescriptions. The values which have received ringing declaration in the great documents of our nation's history must be brought to mind and cared for, so that their vitality may be greater tomorrow than yesterday.

On Law Day U.S.A. the cold war will be with us. The national fear will be present, and it, too, is related to the law. Fear has been the source of the worst injustices perpetrated in the name of law and has, so history seems to say, resulted in the dissolution of some of the law's greatest protections. Especially is this true in the case of such rights as freedom of speech or press. All individual freedoms may be jeopardized by fear. Thus, law is a fortress against national irrationality, and one purpose of Law Day is to assure that it will continue to prevent infringement of freedom.

Implicit in what has been said is the view that law is a human institution, requiring human concern and human effort for its beneficial operation. The understanding of the law student, no less than the lawyer, is the breath of life in the written law and the source of magnificence in its imposing edifice.

Law Day U.S.A. must not be a mere attempt to eulogize law or praise our profession. It should be a humble effort to understand its strength and weaknesses, its values and problems. ●

# GOVERNMENT SERVICE AND YOUR CAREER DECISION

BY THOMAS D. PHELPS

*Chairman, Placements Committee  
American Law Student Association*

THE "GOVERNMENT LAWYER," like the reasonable man, does not exist in reality. While the term may be a convenient tool of conversation, its use has the dangerous tendency of promulgating in the mind of the user a preconceived "image" of the nature of attorney jobs in the Federal Government.

Government agencies cannot be stereotyped in terms of employment desirability. Neither is it wise to treat alike all jobs within the legal staff of any one agency. While there are some common strands of employment policy, the truth is that from agency to agency and from job to job, potential for self-satisfaction varies widely.

Among the nearly ten thousand attorneys on the Federal payroll, some have jobs which rival Perry Mason in glamor and which are challenging assignments by any standard. Others are justified in feeling that they have struck upon a sand bar of routine and mediocrity. The vast majority, of course, lie somewhere between these two extremes.

An enlightened career decision cannot arise from any fixed image of the mythical Government lawyer. Rather, it must be founded upon a careful and realistic evaluation of the individual agencies and the diverse legal positions in each, as they relate to the applicant's personal interests and ambitions. This article endeavors to illuminate some important career considerations incident to attorney positions in the Government agencies. It is based, in part, upon a recent survey of Federal agencies conducted by the Placements Committee of the American Law Student Association. The full report has been published under the title, *1961 Federal Government Job Opportunities for Young Attorneys*.

## *The Nature of the Work*

It may be observed that the Federal Government affords excellent career opportunities within given specialty fields. Furthermore, Government experience in some specialties is valuable training for subsequent success in private or corporate practice. Some of these specialty fields include admiralty, anti-trust, atomic energy, aviation, civil rights,

communications, criminal law, international law, labor law, patent law, securities, tax, and trade regulation.

Careful note should be taken of the degree of specialization which a particular assignment will require. The applicant should ask himself whether, as an employee, he would be concerned with the enforcement of one subsection of one Act of Congress, or whether his work would involve a multiplicity of substantive legal problems.

Equally important is whether he would be doing only research, investigation, counseling, oral argument, or whether the job would require that he perform a number of diverse procedural operations. Perhaps it is fair to say in this regard that the percentage of beginning Government attorneys whose jobs require their preparation and trial of cases before courts of law or administrative tribunals is rather small. As a rule, Federal agencies attempt to draw upon their seasoned attorneys who have demonstrated superior legal ability to constitute the bulk of their trial and appellate staffs.

## *Location of Job Openings*

Most Government legal positions are located in Washington, D. C. Many agencies, however, also employ attorneys in regional offices. Of 8135 attorneys employed by the Government as of October 31, 1959, nearly half, 3930, were assigned to posts in Washington, D. C.; 3032 were scattered throughout the United States (principally in the larger metropolitan areas); and, 1173 had assignments outside the United States.

Some mention should be made, at this point, of job mobility and freedom to transfer, both within and among agencies. "Will I be able to transfer, in a year or so, to another Division or locality?" This is a question which should be asked of those agencies in which the applicant is seriously interested. It is difficult to generalize, however, it can be said that few agencies utilize an established rotation system for intra-agency diversification. Generally, the initiative must be exerted by the employee who desires a transfer. If the office to which he desires assignment has a suitable vacancy at the appropriate grade, and

**Federal Government Agencies  
With Current or Anticipated Jobs for Lawyers**

Atomic Energy Commission  
Civil Service Commission  
Department of Agriculture  
Department of Air Force  
Department of Army  
Department of Commerce  
Department of Health, Education and Welfare  
Department of Interior  
Department of Justice  
Department of Labor  
Department of Navy  
Department of Post Office  
Department of Treasury  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Deposit Insurance Corporation  
Federal Power Commission  
Federal Reserve System  
Federal Trade Commission  
Housing and Home Finance Agency  
Interstate Commerce Commission  
National Labor Relations Board  
Securities and Exchange Commission  
United States Courts  
Veterans Administration

the employee is acceptable to the supervisor of that unit, then a transfer can usually be effected. It can be seen that this procedure may pose considerable difficulty to an attorney who seeks a transfer to another city. Moreover, as a general rule, an attorney in one Government agency who applies for employment in another, is in no better competitive position, other things being equal, than the candidate applying from outside Government service.

### *Qualifications and Salaries Offered*

All attorney positions in the Federal Government require Bar membership (although quasi-legal jobs do not.) In most cases, admission to the Bar of any State or the District of Columbia is sufficient, regardless of the prospective duty assignment. The normal starting grade for an attorney who has been admitted recently to the Bar is GS-7, \$5355 per annum. Many agencies will employ law graduates on a temporary basis at grade GS-5, \$4345 per annum, pending their admission to the Bar.

Within recent years there has been a notable movement toward the institution of honors graduate recruitment programs within the Government agencies. A typical honors program is limited to candidates graduating in the upper quartile, with entrance at grade GS-7 and automatic promotion to GS-9 (\$6435 per annum) upon admission to the Bar. In addition to the advanced entrance salary, these programs commonly offer accelerated pro-

motion, orientation programs and special consideration as to job preference.

Agencies which currently utilize honors programs include the Department of Agriculture, Department of Army (civilian), Department of Justice, Department of Labor, Department of Navy (civilian), Department of State, Federal Aviation Agency, Federal Communications Commission, National Labor Relations Board, Securities and Exchange Commission, U. S. Courts, and the Veterans Administration.

### *Advancement Opportunities*

Federal Government agencies are authorized by law to promote employees to the next higher grade after one year of service in the lower grade. For example, an attorney is eligible for promotion to grade GS-11 after one year of service in grade GS-9 and to GS-12 after one year in GS-11. To what extent Government lawyers can expect advancement within this minimum authorized time is difficult to say. Advancement expectations vary from agency to agency and are affected by budgetary considerations, vacancies in upper grades, and the employee's current grade and demonstrated ability. It appears safe to say that many agencies are able and willing to promote their new attorneys whose work is satisfactory to grade GS-11 in the minimum authorized time, but even at this level promotion should not be regarded as automatic; demonstrated competence is a prerequisite. Above GS-11 the waiting period normally becomes longer. Some active and expanding agencies will be found to advance their attorneys much more rapidly than is the case in other agencies. Since printed information is not generally available regarding rate of advancement, careful questioning of agency representatives during interviews may be highly instructive.

The table below lists the basic salary levels in Government service for attorneys and non-attorneys alike. Attorneys are not employed below GS-7, nor normally at grades GS-8 or 10, although law graduates may be hired at GS-5 pending admission to the Bar.

GS-5.....	\$4,345	per	annum
GS-7.....	5,355	"	"
GS-9.....	6,435	"	"
GS-11.....	7,560	"	"
GS-12.....	8,955	"	"
GS-13.....	10,635	"	"
GS-14.....	12,210	"	"
GS-15.....	13,730	"	"
GS-16.....	15,255	"	"
GS-17.....	16,530	"	"
GS-18.....	18,500	"	"

In most agencies, grades GS-15 through GS-18 are reserved for supervisory and management personnel. Career attorneys with uncommon ability may well aspire to these important positions, but it is obvious that only the most able and ambitious will acquire them.

In addition to promotions from grade to grade, the law provides for automatic "in-grade" salary increases at regular intervals. GS-7 and GS-9 employees receive an

Thomas Phelps



about the author . . .

MR. PHELPS is a second-year law student at the George Washington University Law Center in Washington, D.C. A native of Iowa, he received a Bachelor of Science degree from Iowa State University, where he was active in student government and President of the Student Body. Since entering Law School, Mr. Phelps has been a member of the ALSA's 1960 Annual Meeting Committee, a representative at the Joint Third and Eleventh Circuit Conference, and is now Chairman of the Placements Committee. The Committee is now engaged in the preparation of a new booklet, *Your Future and the Law*.

increase of \$165 per annum after each 52 week period in grade, unless of course they are advanced to the next higher grade during that period. Those in grades GS-11 through GS-14 receive a \$260 increase after each 78 week period. The GS-15 increments amount to \$325 every 78 weeks.

### *How to Get a Job in the Government*

Prospective graduates who have said, "Well, I can always work for the Government if nothing else develops," would do well to heed this warning. Most agencies receive enough attorney applications to be reasonably selective, and competition for appointment to the most challenging positions is particularly keen. Moreover, it has been observed that political string-pulling seldom overcomes personal deficiencies, and most employing officials resent political pressure on behalf of an attorney applicant.

For employment as an attorney in the Federal Government it is *not* necessary to apply through the Civil Service Commission. Attorney positions are classified in the "excepted service," as opposed to the "civil service." Each agency receives applications directly and each establishes its own selection requirements and procedures. Agencies commonly require the submission of a Standard Form 57 (Application for Federal Employment), their own special application form, a personal resume, a law school transcript, a certification of class standing, or any combination of these.

Application forms and resumes should be neat, concise and accurate. Typed forms are greatly preferred by interviewers. A sloppy application suggests a careless worker.

It is to the advantage of the applicant to submit his application to the agency of his choice well in advance of his expected date of graduation. June graduates, for example, are advised by many agencies to submit their applications in the Fall preceding their graduation and subsequently to report for interviews at the earliest convenient time. It is usually best to submit completed application forms to the agency in advance of the interview and to arrange for a specific interview appointment, rather than to walk in "cold."

While most agencies do not require oral or written

examinations as a part of the selection process, a personal interview is generally required. It should be said, even in those cases where a personal interview is not a prerequisite for employment, that it is highly advantageous to the applicant and to the employer that a personal interview be conducted. This is the best opportunity for the applicant to sell his qualifications and to acquire a familiarity with the operations of the agency sufficient to make an intelligent career decision. Agencies are generally not able to finance interview trips, but many offer interview opportunities in regional offices and on the campuses.

It should be clear that these interviews are quite important to the success of the applicant. The interviewing officials will be watching the applicant with an interested yet critical eye. They will be looking for the kind of professional conduct during the interview that they expect among their best staff members. A "snow job" is not necessary, nor is it usually successful. Perhaps the soundest advice is to be your professional best, but be yourself.

### *Summer Employment For Law Students*

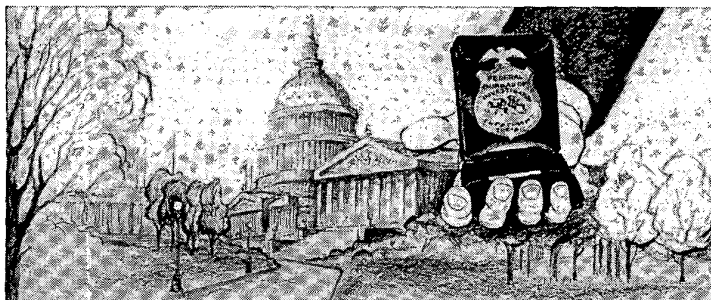
The following agencies report that they have some type of program for the employment of law students during the summer of 1961: Bureau of the Budget, Department of the Air Force (civilian), Department of Interior, Department of Labor, Federal Aviation Agency, Federal Communications Commission, Federal Trade Commission, General Services Administration, Interstate Commerce Commission, National Science Foundation, Office of Civil and Defense Mobilization, and the Securities and Exchange Commission.

These programs provide the limited number who participate an excellent opportunity to view the agency in action and to make a more confident career choice. By the same token, these programs give the agencies a good opportunity to determine the qualifications of the participants for later full-time professional employment. Satisfactory service as a summer intern, for this reason, is perhaps the surest avenue for acquiring a position on the legal staff of the more selective agencies. ●

The

# ADMINISTRATION AND ORGANIZATION of the FEDERAL BUREAU OF INVESTIGATION

BY J. EDGAR HOOVER  
*Director, Federal Bureau of Investigation*



DURING THE EARLY HOURS of December 6, 1959, a 45-year-old woman was brutally murdered in the roadside tavern she operated near Plantersville, Alabama. She had been shot through the chest and her face was crushed, apparently from a vicious clubbing. Her late-model automobile was missing.

State and county investigators developed as a suspect a former suitor of the victim who had disappeared from his home on the night of the slaying and was observed driving the victim's car. Additional evidence linked the suspect to the scene of the crime, and a state warrant was issued charging him with murder and robbery.

Alabama authorities requested the FBI's assistance in locating the suspect under the Fugitive Felon Act when it was established that he had fled from the state. Accordingly, on December 9, 1959, a Federal warrant was issued charging the suspect with unlawful flight from the State of Alabama to avoid prosecution for the crimes of murder and robbery.

FBI Agents in Mobile, Alabama, immediately dispatched leads by teletype to various FBI Field Offices in an effort to locate the suspect and effect his apprehension. One such lead was sent to the Chicago Office of the FBI when information was developed indicating the suspect had lived in Chicago at one time.

The following day, December 10, 1959, FBI Agents apprehended the suspect in Chicago while he was still in possession of the victim's car. His arrest was effected approximately 40 minutes after his arrival in the city, and Alabama authorities were advised of his apprehension on the same date.

In another case, California authorities requested FBI assistance in locating an individual who was wanted for the murder of a wealthy lawyer in San Pedro, California.

Information received by the police indicated that the suspect had gone East by plane and that his parents resided in Massachusetts.

The crime occurred on a Tuesday, and the Federal warrant was issued the following day. On Thursday, two days after the murder, FBI Agents in Massachusetts, acting on a teletype from the Los Angeles FBI Office, determined that the fugitive had arrived in New York the previous night and was believed to be visiting a cousin in that city.

This information was relayed by telephone to the FBI Office in New York, where Agents immediately checked the cousin's residence, but found no one there. Information was developed that the automobile belonging to the suspect's cousin was registered to another New York address, which turned out to be the home of the suspect's aunt. The suspect was apprehended on the same day, Thursday, by Special Agents of the FBI in the vicinity of his aunt's residence. He was taking his aunt's dog for a walk in the neighborhood at the time of his arrest.

These two cases illustrate clearly the necessity for mobility, precision and cooperation in effective law enforcement work. These elements are essential in the operation of the FBI since our investigative jurisdiction is far-flung, extending throughout the United States and its territorial possessions.

How is the operation of the FBI administered to enable this Bureau to discharge its vital responsibilities in an effective manner?

Selection of personnel is a primary key to effective operation in any organization. We feel that our personnel do not work for the FBI, but rather, that they *are* the FBI. Our recruitment and selection program is designed to enlist employees of fine quality—men and women who

have a capacity for growth, who are interested in what they can do for the FBI, rather than what the organization can do for them.

An applicant for the position of Special Agent in the FBI in particular must meet rigid physical and educational requirements. He must have a sincere interest in a career of service, and his private life must withstand the closest scrutiny.

Special Agent applicants must be male citizens of the United States who have reached their twenty-fifth but not their forty-first birthday on the date the application is filed. They must be willing to serve in any part of the United States or its territorial possessions in which their services are required.

Applicants must be graduates from state-accredited resident law schools, or graduates from four-year resident accounting schools with at least three years of practical accounting and/or auditing experience.

It is noted that graduates of law or accounting schools not requiring at least a resident junior college degree, or its equivalent of resident college work, as an admission prerequisite must have received at least a degree from a resident junior college, or its equivalent in resident college work, to be eligible for the Special Agent position. A resident college is one requiring personal attendance.

Physical requirements include minimum height of five feet seven inches without shoes; weight that is proportionate to the applicant's height and build as certified by a Government physician; and uncorrected vision of not less than 20/40 (Snellen) in one eye and at least 20/50 (Snellen) in the weaker eye without glasses and at least 20/20 (Snellen) in each eye corrected. No applicant can be considered who is found to be color blind, and he must be able to hear ordinary conversation at least 15 feet with each ear.

Each applicant must be capable of strenuous physical exertion and must have no defects which would interfere with his use of firearms or his participation in raids, arrests or other dangerous assignments. To insure that these high standards are met, each appointee is given a thorough, rigid physical examination at a designated examining facility, and the standard is comparable to that of applicants for midshipman appointment to the United States Naval Academy.

The entrance salary for Special Agents is \$6,995 per annum. In addition, upon completion of the 13 weeks' training program and assignment to a Field Office, Special Agents are entitled to premium pay as compensation for the irregular, unscheduled overtime duty which is characteristic of the Special Agent's investigative work. Premium pay amounts to \$977 per year, and overtime, to be subject to compensation, must average at least six hours per week beyond the basic 40-hour work week. Thus, in less than four months after entering on duty, the salary of an Agent who qualifies for premium overtime pay is \$7,960 per annum.

Prior to receiving an appointment, an applicant who possesses the necessary basic qualifications is afforded a written examination covering subjects of a practical nature designed to test his knowledge of law, ability to analyze a set of facts, and ability to outline a proper plan of pro-

cedure. An applicant must possess the ability to express himself adequately, both orally and in writing. Other factors considered include the ability to conduct investigations and the possession of satisfactory personal qualities such as ease of approach, the proper standard of personality, poise, speech, tact, judgment and resourcefulness.

A thorough investigation of the character and background of all applicants is conducted before appointment is made and only the best qualified men are accepted. Following his appointment, a man must complete a 13-week course of specialized training at FBI Headquarters in Washington, D. C., and at the FBI Academy and Firearms Ranges on the United States Marine Corps Base at Quantico, Virginia.

### *Education of a Special Agent*

Training is vital if investigative operations are to be effective. Newly appointed Special Agents receive instruction in all phases of the FBI's operations from administrative procedures and personnel policies to scientific aids and investigative techniques. The curriculum includes classes in firearms, defensive tactics, searches and seizures, arrests and raids, interviews with suspects and witnesses, surveillances, fingerprint identification, crime scene searches, and the collection and preservation of evidence.

Particular emphasis is placed upon the Constitution, the Bill of Rights, the Federal Rules of Criminal Procedure, and the Federal statutes governing violations within the FBI's jurisdiction. Each Special Agent is taught that fairness, thoroughness and impartiality must characterize his efforts at all times in the performance of official duties.

Individual rights under the Fourth Amendment are stressed in connection with obtaining evidence in civil and criminal investigations, and a Special Agent learns that he must not apprehend a suspect or physically take possession of the fruits and instrumentalities of a crime when such action would be a violation of the individual's right. Particular attention is given to the rights of individuals regarding due process of law under the Fifth Amendment, and an Agent knows that an arrested person must be taken before the nearest available arraigning officer without unreasonable delay. In addition, Agents are constantly kept abreast of current court decisions which may affect the rules of arrest, search and seizure.

The FBI's training activities are a continuing function. Periodic instruction is given in all FBI Field Offices to apprise Agent personnel of changes in the FBI's jurisdiction, equipment and techniques. In addition, experienced Special Agents are recalled to FBI Headquarters at regular intervals throughout their service for 12-day refresher courses.

Upon completion of the training period, a Special Agent is assigned to one of the 55 Field Offices of the FBI located in major cities throughout the United States, including Anchorage, Alaska, and Honolulu, Hawaii, as well as San Juan, Puerto Rico. These offices are the center of FBI investigative activities and have personnel on duty 24 hours a day, seven days a week.

In the interest of economy and to facilitate the immediate handling of matters within its jurisdiction, the FBI also

maintains Resident Agencies in approximately 500 other cities and towns throughout the nation. Each Resident Agency is under the immediate supervision of a Field Office. Each Field Office is under the direct supervision of a Special Agent in Charge. In addition to FBI Agents, each Field Office is staffed with clerical and stenographic personnel. The FBI is not a large, unwieldy organization. There are less than 14,000 employees in the entire FBI, of whom approximately 6,000 are Special Agents.

The investigative activities of our various Field Offices are supervised and coordinated at FBI Headquarters, located in the United States Department of Justice Building in Washington, D. C. This nerve center of FBI operations is composed of the following eight Divisions, each headed by an Assistant Director: Identification, Training and Inspection, Administrative, Files and Communications, Domestic Intelligence, Investigative, Laboratory, and Crime Records.

Time is a vital element in the fight against the criminal and the subversive, and often speed is of the essence. The elaborate and modern communications system available to the FBI enables us to synchronize our operations in all 50 states and Puerto Rico, thus nullifying the time advantage which the lawless hope to have. A teletype network provides constant twenty-four hour contact between FBI Headquarters and all Field Offices except those in Alaska, Hawaii and Puerto Rico. In addition, the FBI has a radio network, independent of commercial facilities, which can instantly bring into action to the investigative resources in any of our 55 Field Offices. Much of our radio and cable traffic relates to highly confidential matters and these messages are transmitted in code.

Discipline is an important factor required of those engaged in the demanding work of law enforcement. Both the spirit and intelligence of Special Agent personnel make them amenable to the discipline required in the FBI. The patterns of discipline and standardization utilized in FBI operations have developed with the growth of the organization. Procedures, rules and regulations, and discipline are uniform throughout the entire FBI. This standardization has resulted in flexibility. An Agent can be transferred from office to office as the need requires without loss or detriment to the service. This flexibility enables a relatively small group of men to discharge investigative responsibilities in an immense area.

FBI Inspectors conduct periodic surveys and inspections of the 55 Field Offices, as well as the Divisions at FBI Headquarters, to assure maximum economy, peak efficiency and uniformity of operations throughout the FBI. These men study pending and closed cases in an effort to detect, wherever possible, methods of improving the investigative procedures and equipment being used. In addition, the Inspectors attempt to strengthen administrative procedures and to foresee potential weaknesses or special problems which may develop in any phase of the FBI's activities.

In addition to being an investigative agency, the FBI is also a service agency, designed to assist other law enforcement agencies—Federal, state and local—in the per-

formance of their duties through the use of the FBI's cooperative facilities. Two such facilities—the FBI Laboratory and the Identification Division—will be covered in detail in subsequent articles.

As a cost-free cooperative service, the FBI also assists in training officers of municipal, county, state and Federal law enforcement agencies. These services are rendered through the FBI National Academy in Washington, D. C., and by active participation in local and regional police schools.

### *The West Point of Law Enforcement*

The FBI National Academy—"The West Point of Law Enforcement"—observed its Silver Anniversary in July, 1960. The curriculum of this advanced training school for selected career members of the law enforcement profession includes 12 weeks of intensive specialized instruction designed to qualify graduates as police administrators and instructors in their own departments. Nearly 4,000 police officials have been graduated from the FBI National Academy during the quarter century it has been in operation.

Today, training at the FBI National Academy is modeled after the curriculum of Special Agents of the FBI, with emphasis on local problems rather than Federal. Photography, surveillance techniques, unnatural causes of death, preparation of cases for trial, police records, organization and administration, homicide investigations, use of dogs in law enforcement, raids and roadblocks, traffic control, and police patrol are but a few of the subjects which are taught at the National Academy.

FBI National Academy graduates have distinguished themselves in countless instances. On one occasion, a group of police officers attempted to apprehend an elderly man who had gone berserk and shot and killed his landlady in a town in Virginia. It was dark when a graduate of the FBI National Academy led three fellow officers up the stairs of the rooming house with a flashlight. The suspect suddenly opened fire with a rifle from the top of the stairs. A bullet hit the flashlight exploding it into fragments which tore off a finger of the graduate. The suspect was shot and killed by the officers. Later, the graduate stated he owed his life to a technique which he had learned at the FBI National Academy. In going up the stairway he held the flashlight away from his body with his left hand while holding his revolver in the right. He felt that had he not held the light away from his body the suspect, who had aimed at the light, would have shot him in the body and probably have caused his death.

Perhaps the most significant feature about the FBI is the esprit de corps of its men and women. FBI personnel have an abundance of enthusiasm and a deep sense of loyalty. They want to be a part of good law enforcement and are willing to work to achieve it. They take pride in the FBI and have a high regard for the honor of the group they represent. Above all, they know that theirs is a public trust and that it is a privilege to serve in the Government of their country. ●

## The Spirit of St. Louis

# Announcing ALSA's 13th Annual Meeting

LATE THIS SUMMER the American Law Student Association will hold its 1961 Annual Meeting in St. Louis, Missouri—the city where the Association was founded twelve years ago. Headquarters for the conclave, scheduled for August 5-10, will be the Ambassador Hotel. January Inn, the student bar association at Washington University in St. Louis, will act as host for the six-day meeting.

Meeting in St. Louis during the same period as the ALSA will be such national legal organizations as: the American Bar Association (sponsors of the American Law Student Association); Junior Bar Conference of the ABA; National Conference of Chief Justices; National Conference of Bar Presidents; American Judicature Society; National Conference of Bar Secretaries; and, the National Conference of Commissioners on Uniform State Laws. The opportunity to meet and observe outstanding members of the legal profession representing these groups has been, for many law students, one of the major highlights of the meeting.

The American Law Student Association, comprising 129 affiliated student bar associations, now represents the second-largest legal group in the U. S. Often referred to as the "young giant among bar associations," the ALSA has far exceeded the now seemingly modest dreams of its founders. Through its many services and publications it has become a leader of the legal profession, providing fresh ideas and approaches to a wide variety of subjects. Honor systems, trial and appellate moot court competitions, law school newspapers and, recently, a national placement service, are among the many activities to which ALSA has made significant contributions. The Association is truly fulfilling its purpose of aiding law students to bridge the gap between law school and law practice.

Among the major services the ALSA offers individual law students are: complimentary subscriptions to the *Student Lawyer Journal* for most law students; a life insurance program which combines low cost with comprehensive coverage; a detailed review of placement opportunities in its yearly publication, *Federal Government Job Opportunities for Young Attorneys*; and the products of an extensive system of committees to which, this year, have been added the *Student Bar Programs Committee*

and the *Medico-Legal Committee*. Each demonstrating the continuing value of the student contribution to the work of the organized bar.

To every law student in the nation the American Law Student Association's 13th Annual Meeting offers an unequalled opportunity to meet and work with the present and future leaders of the organized bar.

### *Review of the Annual Meeting Program*

The individual law student, both as a member of a student bar association and as a future member of the organized bar, will be the focal point of the 1961 Meeting's program. For all those planning to attend, the six-day meeting will begin with registration on Saturday, August 5th, in the Ambassador Hotel. That afternoon, a special Orientation Workshop will be conducted to acquaint delegates with the procedures of the Association. The day's activities will be climaxed by the ALSA's Annual Reception held Saturday evening in the Empire Room of the Ambassador Hotel. The Reception, attended by law students, officers of the many other legal associations meeting at this time, and the faculty and deans of numerous law schools, is one of the major events of the combined legal conclaves.

After Sunday morning church services, the Committee Chairmen will meet and, that afternoon, the official business of the Association gets underway with the First Session of the House of Delegates, immediately followed by the ALSA Assembly. Everyone attending the Meeting is invited to observe the American Bar Association's Assembly on Monday morning, which will be followed by a tour of Downtown St. Louis. Students will participate in a moot court debate and reception sponsored by the Conference on Personal Finance Law. An evening session of the House of Delegates will conclude Monday's events.

January Inn, Student Bar Association of Washington University Law School of St. Louis, will sponsor the Host School Breakfast, scheduled for Tuesday morning. The activities planned for Tuesday include two student bar workshops, a House of Delegates session and a professional seminar. Wednesday's activities will lead off with a Student Bar Leadership Workshop, and seminars and a legal film program will fill the day. Wednesday evening, all are invited to attend the American Bar Association President's Reception and Dance, one of the highlights of the ABA meeting.

Thursday, the final day of the 13th Annual Meeting, will begin with the Fourth Session of the House of Delegates. At noon, the ALSA's "Founder's Day" Luncheon will honor those distinguished leaders of the bar who were instrumental in establishing the Association twelve years ago. Following the Luncheon, interviews will be held for those wishing to apply for Committee appointments. Additional details of the program will be presented in the June issue of the *Student Lawyer Journal*.

### *If You are Planning to Attend*

The number of official delegates and individual law students from ALSA's member associations attending the

Annual Meetings has been steadily increasing. Last year's record breaking conclave in Washington drew two-hundred seventy-one delegates from ninety-six of the nation's approved law schools. Judging by the initial response, this meeting may very well exceed this total. Sufficient facilities are available. However, to be sure of obtaining desired accommodations, all persons planning to attend should register at their earliest opportunity. If you plan on attending as an official delegate, obtain authorization from the president of your student bar association. Every president will be provided with complete registration information in the near future.

Individual law students who wish to attend and participate in the professional activities may register by writing to the ALSA, 1155 East 60th Street, Chicago 37, Illinois, or by appearing at the Registration Desk in the Ambassador Hotel, St. Louis, on August 5th. *Remember*, hotel accommodations will be at a premium and it is advisable to register well in advance.

To cover a portion of the meeting's cost, there will be a \$12.00 registration fee. This fee is payable at the meeting and should not be remitted to the ALSA when registration and hotel reservation forms are submitted.

### Committee Applications

The backbone of every national service organization is its system of committees. This is especially true of the

ALSA, whose committees have a distinguished record of research projects and publications. Every law student is urged to apply for a position on one of these committees and benefit from the professional experience and personal contacts they afford. Applications are being accepted for the following committees: *Student Bar Programs, Medico-Legal, Armed Services, Audio-Visual, Legal Aid, Moot Court, Nominations and Elections, Placements, Pre-Law, Professional Responsibility, Public Relations, Resolutions, Scholarships and Fellowships, World Peace Through Law, and the Membership Committee.*

To obtain detailed information on the work and responsibilities of each of the above committees, write to the ALSA Second Vice President, Robert W. Wise, American Bar Center, Chicago 37, Illinois. The work of this year's committees has been reported in the *Newsletter* throughout the current volume of the *Student Lawyer Journal*.

More detailed information on the Annual Meeting will appear in the June issue of the *Student Lawyer Journal*. In addition, student bar leaders and individual students who are considering attending the meeting may receive special informative literature by completing the form which appears on page 29, and mailing it to the Annual Meeting Committee, American Law Student Association, American Bar Center, 1155 East 60th Street, Chicago 37, Illinois.

## THIRTEENTH ANNUAL MEETING AMERICAN LAW STUDENT ASSOCIATION

AUGUST 5-10, 1961



HOTEL AMBASSADOR, ST. LOUIS, MO.

### PROGRAM

#### Saturday, August 5

- 9 a.m. ALSA Registration  
Board of Governors Meeting
- 3 p.m. ALSA Orientation Workshop
- 8 p.m. ALSA Annual Reception

#### Sunday, August 6

- 9 a.m. Church Services of Choice
- 10 a.m. Committee Chairmen's Meeting
- 10 a.m. ALSA Registration
- 1 p.m. House of Delegates, First Session
- 4 p.m. ALSA Assembly

#### Monday, August 7

- 10 a.m. American Bar Association Assembly
- 2 p.m. Tour of Downtown St. Louis
- 4 p.m. Conference on Personal Finance Law  
Debate and Reception
- 7:30 p.m. House of Delegates, Second Session
- 10:30 p.m. ALSA Executive Committee Meeting

#### Tuesday, August 8

- 8 a.m. Host School Breakfast
- 10 a.m. Two Student Bar Workshops
- 1 p.m. House of Delegates, Third Session
- 3 p.m. Professional Seminar
- 10 p.m. ALSA Executive Committee Meeting

#### Wednesday, August 9

- 9 a.m. Student Bar Leadership Conference
- 10 a.m. Professional Seminar
- 1 p.m. Professional Seminar
- 4 p.m. ALSA Legal Film Program
- 7 p.m. ALSA Executive Committee Meeting
- 8 p.m. ABA President's Reception and Dance

#### Thursday, August 10

- 8 a.m. House of Delegates, Fourth Session
- 12:30 ALSA "Founders Day" Luncheon
- 4 p.m. Interviews for Committee Appointments
- 7 p.m. Meeting of new Executive Committee

Note: The Board of Governors of the Association will also meet in all day sessions on August 4 and 11.

## What You Should Know About . . .

# The Peaceful Settlement of International Disputes

BY ERIC H. HAGER

Former Legal Advisor  
U. S. Department of State

*Continuing his discussion of the peaceful settlement of international disputes begun in the February, 1961 issue of the STUDENT LAWYER JOURNAL, Mr. Hager now outlines the work of the International Court of Justice and the United Nations. Previously, the author defined the various types of international disputes, methods of settlement and the work of the Permanent Court of Arbitration.—Ed.*

THE INTERNATIONAL COURT OF JUSTICE is a Court in the proper sense of the term. It is composed of full-time judges expert in international law and has a fixed and regular procedure and, in addition, an external method for bringing about compliance with its judgments. The ICJ is the judicial organ of the United Nations. Its Statute, which is its own basic charter, is annexed to and forms an integral part of the Charter of the United Nations. All United Nations Members are *ipso facto* parties to the Statute of the Court. Provision has also been made by the General Assembly for three States which are not Members of the United Nations to become parties to the Statute of the Court: Liechtenstein, San Marino and Switzerland. Let me here caution that when I speak of a State being a party to the Statute of the Court, I do not refer to the wholly separate question of acceptance of the compulsory jurisdiction of the Court, which I shall discuss a little later. Being a party to the Statute of the Court involves participation in the work of the Court, including both the right to have a national serve as judge and the obligation to contribute to the financial support of the Court. It does not, however, involve any acceptance of the jurisdiction of the Court.

The Court's Statute is based on, and bears a strong resemblance to, the Statute of the Permanent Court of International Justice, which was the predecessor judicial institution set up pursuant to the Covenant of the League of Nations. Like the old Permanent Court, the International Court is composed of fifteen judges who are to be chosen with a view to representation of the main forms of civilization and the principal legal systems. A national of the

United States served as judge on the Permanent Court of International Justice during its entire history, as follows: John Bassett Moore, 1922-1928; Charles Evans Hughes, 1928-1930; Frank B. Kellogg, 1931-1935; and Manley O. Hudson, 1936-1942. A national of the United States, Green Hackworth, formerly the Department of State's Legal Adviser, has served as a judge on the International Court since its creation in 1946. In this connection, I might state that there has been an unvarying tradition that a national of each of the five permanent members of the Security Council will always serve as a judge.

At the present time the composition of the Court is as follows, there being one vacancy caused by the death last May of Sir Hersch Lauterpacht: Mr. Helge Klaestad, President, Norwegian; Sir Muhammed Zafrulla Khan, Vice President, Pakistani; Judges J. Basdevant, French; Green Hackworth, American; B. Winarski, Polish; A. H. Badawi, Egyptian; E. C. Armond-Ugon, Uruguayan; F. I. Kojevnikov, Russian; L. M. Moreno Quintana, Argentine; R. Cordova, Mexican; V. K. Wellington Koo, Chinese; J. Spiropoulos, Greek; Sir Percy Spender, Australian; M. Alfaro, Panamanian.<sup>1</sup> These men, and those preceding them, are and have been among the outstanding international lawyers of their time. The opinions of the Court have been characterized by high scholarship and integrity appropriate to its composition.

The International Court, like its predecessor, was intended to be so designed and composed that all States of the international community could be fairly heard and accurately judged by it, without any need for change as new nations became members of the United Nations.

<sup>1</sup> On February 5, 1961, the terms of office of Judges Klaestad, Zafrulla Khan, Hackworth, Armond-Ugon, and Kojevnikov will expire. On November 16 and 17, 1960, the United Nations General Assembly and Security Council elected P. C. Jessup, American; V. M. Koretsky, Russian; K. Tanaka, Japanese; G. Morelli, Italian; and J. L. Bustamante y Rivero, Peruvian, for nine-year terms beginning on February 6, 1961. Sir Gerald Fitzmaurice of the United Kingdom was elected for the remainder of Sir Hersch Lauterpacht's term, which expires on February 5, 1964.

The Court's jurisdiction is a complex matter. While acceptance of its compulsory jurisdiction is, as I will suggest in a moment, an important part of its jurisdiction, it is far from the only aspect of that jurisdiction, which is in fact four-fold.

*First*, the Court's jurisdiction comprises all cases that the parties refer to it. This may be done by a special agreement between the parties which sets forth the question to be decided and forms the basis of the jurisdiction of the Court. This is a close parallel to the *compromis* in arbitral procedure.

*Second*, the Court may decide contentious cases under the provisions of a treaty in force where the treaty specifically provides that disputes arising under it shall be referred to the International Court of Justice. This is a species of compulsory jurisdiction, in that no new agreement between the parties is necessary to give the Court jurisdiction, since the Court may acquire jurisdiction of a case arising under such a treaty by the unilateral application to the Court of a complaining signatory. The essential fact in this type of jurisdiction is, of course, that the respondent has already consented in advance to the jurisdiction of the Court by its signature and ratification of the treaty. A very large number of treaties now in force contain provision for compulsory adjudication by the Court and the jurisdiction provided for by these treaties is by far the broadest source of its jurisdiction.

A *third* form of jurisdiction is set out in Article 36, paragraph 2, of the Court's Statute which authorizes States which are parties to the Statute to file a declaration with the Court by which they recognize

"... as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation."

### *The Connally Amendment*

It is in connection with this provision that the well-known Connally Amendment came into being. In 1946, the United States in its declaration accepting the compulsory jurisdiction of the Court under Article 36(2) of the Statute reserved, among other things, "matters essentially within the jurisdiction of the United States as determined by the United States." This is the so-called domestic jurisdiction reservation. The last eight words, "as determined by the United States of America," which in effect give the United States a veto power over the Court's jurisdiction, are the words which constitute the Connally Amendment. They have also been called the self-judging aspect of the domestic jurisdiction reservation.

Now it is important to distinguish between the domestic jurisdiction reservation itself, and the language added to

it by the Connally Amendment. So far as I know there is no real opposition to the domestic jurisdiction reservation, standing alone. A number of States, in their declarations accepting the compulsory jurisdiction of the Court, specifically reserve questions essentially within their domestic jurisdiction. The most that has been said against such reservations is that they are probably superfluous. It is pointed out in this connection that under Article 36 of its Statute the compulsory jurisdiction of the Court is specifically limited to the determination of legal disputes concerning the interpretation of a treaty, any question of international law, the existence of any fact which would constitute a breach of an international obligation, and the nature of the extent of the reparation to be made for such a breach. None of the foregoing are matters essentially within the domestic jurisdiction of States. Moreover, the Court as the judicial organ of the United Nations is subject to Article 2(7) of the Charter of the United Nations, which provides as follows:

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

The objection to the Connally Amendment proceeds on an entirely different basis. The essence of the objection to the Connally Amendment is not that it seeks to bar the International Court of Justice from deciding matters within the domestic jurisdiction of the United States, but that it reserves to the United States the right to determine unilaterally when a question is within its domestic jurisdiction, and thus to refuse at will to be sued in the Court. It is this self-judging aspect of the Connally Amendment which has given rise to criticism.

One basis for criticism has been the fact that the amendment was imitated by others, thereby multiplying the number of nations which really did not submit to compulsory jurisdiction, and undercutting the value and importance of the Court. The United States' assertion of a self-judging domestic jurisdiction reservation was subsequently copied by France, India, Liberia, Mexico, Pakistan, Sudan and the Union of South Africa. A similar action was taken by the United Kingdom in excluding from the Court's jurisdiction disputes which the United Kingdom determined to relate to questions affecting its national security or that of its dependent territories. Fortunately, this trend has more recently been reversed. France, Pakistan, India and the United Kingdom have reconsidered and dropped their self-judging reservations.

Another ground for criticism has been that the existence of the Connally clause in the United States declaration reflects a basic distrust of the Court and an apparent lack of sincerity in our often professed objectives of promoting the legal settlement of international disputes.

Perhaps the most important practical ground for criticism is the purely selfish reason that the existence of the Connally clause renders us completely incapable of taking advantage of the acceptance of the compulsory jurisdiction

of other States. This is because all declarations under Article 36(2) are made, according to the Statute, on condition of reciprocity. In other words, when the United States attempts to bring a case before the Court under Article 36(2), the respondent State is entitled to assert against us as an obstacle to the jurisdiction of the Court any conditions, qualifications or reservations appearing in our own acceptance of compulsory jurisdiction. Accordingly, every State we may sue has the benefit of the Connally Amendment against us, and can immediately non-suit us in the International Court by saying that *it* has determined that the subject matter of our suit is essentially within its domestic jurisdiction. This is called the principle of reciprocity. It was invoked in 1956 in the *Norwegian Loans Case*.

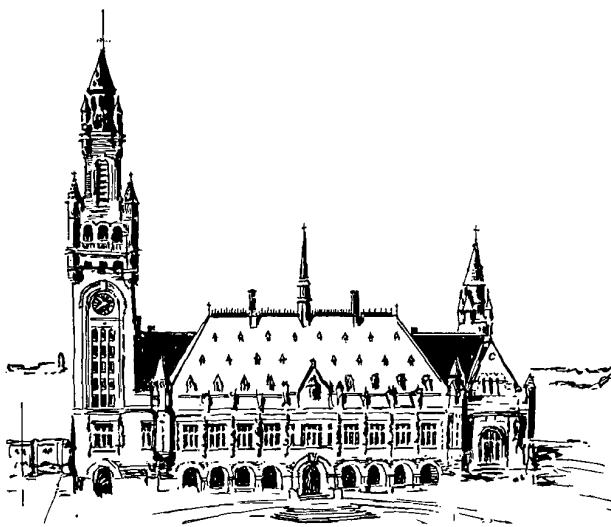
The *Norwegian Loans Case* illustrates pretty clearly the practical disadvantage of this kind of clause. Norway had floated public loans in France at the turn of the century. The bonds contained a promise to repay in gold or its equivalent. After devaluation of the Norwegian currency, a dispute arose as to whether Norway had to comply with the gold clause. The parties could not agree, and since Norway had accepted the compulsory jurisdiction of the Court in 1946 and France in 1949, the French Government instituted proceedings against Norway by application in 1955.

The French acceptance of the Court's jurisdiction contained a self-judging reservation very similar to our own. This declaration excluded "differences relating to matters which are essentially within the national jurisdiction as understood by the Government of the French Republic." The Norwegian declaration contained no such reservation. Norway filed objections to the jurisdiction of the Court. One of these was based upon the self-judging reservation of France, which Norway contended she was entitled to invoke on the basis of reciprocity. Norway claimed that the manner of the repayment of the bonds was a matter essentially within the national jurisdiction of Norway, as understood by Norway. The Court upheld Norway's right to invoke her adversary's self-judging reservation and accordingly determined that it lacked jurisdiction. So France lost the case which she had brought in order to protect her bondholders. In this connection, it should be noted that we are a creditor nation with heavy foreign investments abroad, and that it is important for us to be able to make use of the Court to protect our rights.

As a result of the *Norwegian Loans Case*, the French Government withdrew the self-judging clause from its acceptance of the compulsory jurisdiction of the Court, and since that time, as I have already mentioned, the United Kingdom, Pakistan and India have also withdrawn their similar reservations. I believe we would do well to profit by their example.

Finally, there is a fourth type of jurisdiction possessed by the International Court of Justice. The three other types of jurisdiction mentioned relate to so-called "contentious" proceedings between States. Article 96 of the United Nations Charter also authorizes the Court to give *advisory opinions* on any legal question to the General Assembly, the Security Council, or other organs of the United Nations and specialized agencies appropriately authorized by the

General Assembly. The questions submitted for advisory opinions may involve the functions of the organization itself, as for instance, the two membership cases in which the International Court defined the obligations of members of the Security Council and the General Assembly in passing on an application for membership in the United Nations. They may involve elections. Since political controversies often attend these problems in international organizations, you will not be surprised to learn that the proceedings whereby the International Court considers and gives judgment on requests for advisory opinions are often hardly less contentious than the so-called contentious proceedings themselves.



As to the effect of a judgment of the International Court of Justice, Article 94 of the Charter of the United Nations provides as follows:

"1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

"2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment."

This provision has not to date been applied because the judgments of the Court in contentious cases have in general been followed. While compliance with an advisory opinion of the Court would not fall within the scope of Article 94, it is also a fact that advisory opinions have regularly been complied with.

Returning now to Article 33 of the Charter, I would like to comment on a fourth process of settlement. Article 33 also provides for the settlement of international disputes by regional agencies or arrangements. These regional agencies or arrangements perform much the same function as the United Nations Security Council itself. They may recommend means of peaceful settlement or even agree upon the imposition of sanctions.

(Continued on page 22)



Students gather at the Old Boat Landing

# ST. MARY'S . . .

## *A Lawyer's Law School*

BY ROBERT M. PERRY, LANGE HOFFMAN and KEN BURNS

*Graduates, St. Mary's University School of Law*

THE SCHOOL OF LAW of St. Mary's University stands like an island between two streams. Immediately to the south flows the beautiful and historic San Antonio River, down which students of old St. Mary's College came by water in the 1860's and 1870's to tie up at the college boat landing. And an ever-growing stream of people flows about the school, for St. Mary's is ideally located in the commercial center of San Antonio—within easy walking distance are the Federal building to the east, the City and County Courts to the west and the Public Library to the south.

The building housing the present law center is among the finest of the buildings still remaining of old San Antonio. Constructed in 1852, its four stories once made

it the tallest structure in the city. The School of Law itself is an outgrowth and development of the San Antonio School of Law, originally established in 1927 by the San Antonio Bar Association. In September of 1934, St. Mary's University assumed control and the Law School was moved into the Downtown College. Ever since, it has been under the administration of the Society of Mary, a Catholic religious order of priests and brothers. Now physically overshadowed by rising skyscrapers, the fully accredited Law School, with the cooperation of the local and state bars of Texas, has developed in harmony with the requirements of the American Bar Association and the highest tradition of the legal profession. In February of 1948, the School of Law was placed on the list of schools

approved by the American Bar Association as well as that of the Supreme Court of Texas and, in December of 1945, it was admitted to membership in the Association of American Law Schools.

At the time of the transfer of the Law School of St. Mary's University in 1934, the total enrollment amounted to 31 students with a beginning freshman class of 11. Today it has a total enrollment of about 150 students.

### *Institutes for Advanced Training*

Although St. Mary's Law School is strongly directed by tradition it is, nevertheless, an essentially young school with a great vision for the future. Its vibrant spirit is evidenced in the many institutes offered annually to practicing attorneys. Institutes, such as the one on Estate Planning and Taxation, among the first of its kind, are offered on the principle that law, being a "Jealous Mistress," its study is a life long endeavor. In addition to this annual institute, the School of Law has also sponsored an institute on the Practical Aspects of Condemnation Proceedings, and arrangements for an annual institute dealing with the legal problems involved in Municipal and Homebuilders Jurisprudence have been completed. This institute program is offered as part of a concentrated effort to make available to the legal practitioner the continued assistance he needs, after graduation, in the theoretical and practical aspects of the new developments in the more changeable areas of the law. Although primarily for attorneys, attendance at the institutes has been encouraged and made available to all students. Thus St. Mary's is far-sightedly offering the supplemental advantages which help to equip the law student for the future, as well as integrating and moulding him into a man dedicated to his profession.

Friendship, cooperation and interest on the part of the student body are important, if not absolutely essential, to a really great school. Toward this end, St. Mary's provides varied and numerous outlets for the energies of the ambitious student. The Barrister Club, the local student bar association, is affiliated with the American Law Student Association and is the oldest club on the law campus. It serves as the student council for the School of Law, and is in complete charge of all official activities, such as the Law Institutes, Law School luncheons, and various joint undertakings with the San Antonio Bar Association. It also maintains the "Barrister Lounge," overlooking the old college boat landing, where students and faculty gather during their leisure time. Among the most active associations are the fraternities, with Tarlton Inn of Phi Delta Phi and Bickett Senate of Delta Theta Phi playing an important role in the social as well as cultural aspects of the curriculum. The most recent campus organization is for and by the women, who have set up a chapter of the Kappa Beta Pi Sorority. Honoring the memory of the great English jurist, St. Thomas More, the students have organized a club dedicated to the discussion of the various systems of legal philosophy and jurisprudence.

The culmination of the scholastic year is the annual Law Day Celebration which, under the direction of the Barrister Club, attracts members of the Court of Civil

## ● A "Closeup" of Your Law School

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The St. Mary's *Barrister News*, edited and published by the Student Bar Association, was winner of second place in the offset division of the American Law Student Association Newspaper contest in New York City in 1957. This professional legal publication is a medium of interchange between the school and the bench and bar of Texas. *Barrister News* publishes articles by leaders in each field and keeps the bench and bar abreast of local, state and national changes in the law.

### *The Spirit of St. Mary's*

The man most responsible for the youthful spirit and the Law School's tremendous progress in the past 13 years is Dean Ernest A. Raba. Dean Raba obtained his B. A. degree, Summa Cum Laude, from St. Mary's University in 1934 and his LL.B., Magna Cum Laude in 1937. Following graduation, Dean Raba entered the practice of law in San Antonio and, as well, became part-time professor at St. Mary's Law School. The Second World War cut these activities short and for its duration Dean Raba served as a 1st Lieutenant in the U. S. Army's Judge Advocate General's Office. At the time of his appointment as Dean of the Law School in 1946, there were only 64 graduates. Today the Dean is personally acquainted with

(Continued on page 24)

# A LAW PLACEMENT PRIMER

BY RUTH B. TRAYNOR

*Director of Law Placement*

*Columbia University Law School*

IT IS CURIOUSLY ANOMALOUS that the legal profession, the principal claim of which is the ability to analyze, was not moved to self-analysis until 1947.

Prior thereto, there was no accurate count of the number of lawyers in the United States, nor was there any information as to how much they made or what they did to make it. In fact, the student who then chose law as a career did so in a rather complete vacuum.

In 1947, however, the American Bar Association recognized that: "The legal profession is a public profession. Lawyers are public servants. They are the stewards of all the legal rights and obligations of all the citizens. It is incumbent on stewards, if they are to be faithful to their trust, to render an accounting from time to time.<sup>1</sup>" Hence, a *Survey of the Legal Profession* was instituted to thoroughly examine and report on all facts of the functioning of a lawyer in a free society. *The American Lawyer* summarizes the survey results up to 1954. Since then and to date, separate reports are published as segments of the study are brought up to date.

Largely through this survey, supplemented by other independent studies, today's student who entertains the idea of becoming a lawyer can substitute whimsey with fact. And, although it may seem ridiculously premature, it is at this precise point that ultimate placement in the profession really begins. Unless a student can reasonably assure himself, after considerable external and internal research, that he possesses the qualifications requisite to success in law, he may well find, to paraphrase an old saying, that he has spent three years with and for the wrong master.

Perhaps the largest contribution that a placement officer can make to the slowly mounting store of vocational guidance data is to point out some of the possible uses that can be made of a law degree, and what the various positions give and expect in return.

## *Too Many Lawyers?*

Preliminarily, however, it is necessary to examine two major questions that are germane to planning a career in

law: is it overcrowded and is it "underpaid"?

There were 264,573 lawyers accounted for in the United States in 1958, or 1 for each 647 population,<sup>2</sup> as opposed to an estimated 1 for every 863 persons in 1920 and 1 for every 969 persons in 1850.<sup>3</sup> The 1958 ratio has given rise to the supposition by some that the field is overcrowded. However, as Blaustein and Porter point out: "It is impossible to reach any general conclusions on 'overcrowding' in the absence of some knowledge as to the adequacy of legal services in 1850, 1900 or 1920. And, still further, the population figures fail to take into account the degree to which legal services are interwoven with developments in business—apart from the additional business which naturally flows from an increase in population."

Although it cannot be statistically substantiated, the general belief today seems to be that the constantly increasing complexities of our business and social structures will place commensurately increasing demands on the legal profession. Hence, there is no serious overcrowding.

Relative to the second question, the last available figures show that, in 1954, the average net income of lawyers in all kinds of practice was \$10,220, or 36% higher than it had been in 1947.<sup>4</sup>

It should be borne in mind that this average includes lawyers regardless of their geographic location, number of years before the bar, clientele or source of income. And, obviously, the study is now seven years outdated.

The fact that recent graduates are now offered \$7200 a year by the largest law firms in major cities throughout the country would give some support to the supposition that a survey conducted today would reflect a higher average net income than was reported in 1954.

In lieu of supporting statistics, my own observation has been that, during the last five years, the legal profession has begun to recognize that its salary scale has been something short of realistic and that it lagged behind other professions to its own detriment. Hence, without arrogating to this article a full consideration of the complexities of the profession's economics, there is nothing in the finan-

cial picture that should deter one from choosing law as a career.

### *New Aids in Finding Employment*

Once one has "placed" himself in the profession, there inevitably comes the hour when he must place himself in a job. Happily, many of today's graduates have access to vocational counseling aids unknown to their predecessors: school placement officers; publications that spell out the functions of lawyers in various settings; suggestions for writing resumes and letters of application; directories of law firms, business organizations, government agencies, foundations and educational institutions; and, above all else, an ever-growing interest on the part of the organized bar in the welfare of its novitiates.

This is not to say that the empyrean has been reached but, in the process of self-analysis, the profession seems to have become aware that its placement problems are unique and cannot be solved through the channels that are open to non-professionals.

Most commercial and governmental employment agencies are quick to say that they are not geared to placing lawyers, and tradition makes the lawyers themselves reluctant to seek positions or applicants through sources not directly connected with the profession. Hence, except for the assistance given by some law schools and fewer bar associations, finding a job in law is strictly a do-it-yourself proposition. The final segment of this article, which will appear in the June issue, will, in effect, be the kit necessary for the project. •

<sup>1</sup> From the Foreword, written by Reginald Heber Smith, to *The American Lawyer*, by Albert P. Blaustein and Charles O. Porter. Chicago: University of Chicago Press, 1954.

<sup>2</sup> *Distribution of Lawyers in the United States—1958*. Chicago: American Bar Foundation, 1959.

<sup>3</sup> *The American Lawyer*.

<sup>4</sup> *Lawyers in the United States: Distribution and Income*. Part II. Chicago: American Bar Foundation, 1958.

*This article will be concluded in the June issue of the Student Lawyer Journal. In the final part, Mrs. Traynor will review specific information about opportunities for lawyers in law firms, corporate legal departments and government agencies. In addition, the author will offer suggestions for locating, comparing and obtaining such jobs.*  
—Ed.

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*Business Aspects of the Legal Profession*, by Vern Lahart.

(Originally printed in two parts in the November, 1955 and January, 1956 issues of the magazine, this article deals with the essential facts of law office operation.)

*Clients are People*, by Wayne L. Prim and Chester Porterfield.

(An often-cited introduction to the techniques of developing an effective lawyer-client relationship, this article first appeared in the February, 1957 *Student Lawyer Journal*.)

*Death Makes A Difference*, by Brainerd Currie.

(A short story by the author of the popular poem "Rose of Aberlone," this reprint demonstrates the importance of careful testamentary draftsmanship. This short story was published in two parts in the February and April, 1960 issue of the magazine.)

*Introduction to the Work and Jurisdiction of the Federal Bureau of Investigation*, by J. Edgar Hoover.

(A definitive outline of the nature and scope of the FBI's work, this article made its initial appearance in the February, 1961 *Student Lawyer Journal*.)

*Practical Answers on the First Years of Law Practice*, by Chester J. Byrns.

(Printed in the December, 1958 issue of the magazine, this informative article has been one of the most popular items published by the *Student Lawyer Journal*.)

*Today's Bar Examination*, by Len Young Smith.

(A useful guide to proper preparation for the bar examination. Reprinted from the May, 1956 issue of the magazine, the article is accompanied by a list of bar refresher courses offered in the various states.)

OFFICIAL PUBLICATION OF THE  
**AMERICAN LAW STUDENT ASSOCIATION**

American Bar Center

Chicago 37, Illinois

Some basic facts about . . .

## MEDICO-LEGAL PHOTOGRAPHY

BY ARMAND ARABIAN

Chairman, Medico-Legal Committee  
American Law Student Association

THE SAGE OF OLD said, "One picture is worth a thousand words." Today, as the modern attorney finds himself confronted with a pressing need for knowledge of medical jurisprudence, the task of communication becomes an ever more difficult one. Nothing can so place upon a common footing, the doctor, the lawyer, the judge, the jury, and the witness, than a pictorial representation of the facts in issue.

Most persons are aware of the basic use of photographs in the courtroom—being introduced into evidence for the purpose of depicting a person, place, thing, or condition. What causes a problem is that a more complete use of this media, which would result in more adequate awards and sounder verdicts, is not being implemented.

Initially, we must be aware of several caveats which exist in the entire area of medico-legal photography. Admissibility depends upon the discretion of the trial judge and in this regard some jurisdictions are more enlightened than others. These questions will usually arise: Is this evidence relevant and properly authenticated? Does its probative value outweigh the danger of prejudice? Is it basically offensive or indecent?

Professor Wigmore has stated ". . . It might be asserted *a priori*, that where the existence or the external quality or condition of a material object is in issue, the inspection of the thing itself, produced before the tribunal is always proper, provided no specific reason of policy or principle bears decidedly to the contrary." Thus photographs are admissible to show the body of the victim; to establish the *corpus delicti*; the position and condition of the victim's body, the wounds, and the cause of death.

Let us then briefly examine what this "dumb and artificial" eye-witness can do for you. We shall assume that the photograph we are attempting to use has passed the test of materiality and relevance in that it aids the jury in understanding the case and assists the witness in explaining his testimony. Also, it has overcome any objection for being indecent, gruesome, and such as will inflame the hearts and passions of those who are exposed to it. It must be remembered, that when otherwise admissible it is no objection that a photograph is gruesome or likely to prejudice the jury. A picture which shows a person's body with its hands and feet cut off or a naked or decomposed body is not to be excluded, because of

mere distasteful portrayal. The nature of the crime itself is often a relevant fact in issue.

Authentication is accomplished by the testimony of the photographer who took the picture or by a witness who has knowledge sufficient to say that a true presentation exists.

In order to introduce the picture into evidence, it should be given a number for identification, then shown to opposing counsel, then the offer into evidence made with reference to the identification. If the object is admitted into evidence, it should take a number in evidence before being shown to the witness. After the witness sees it, it should be presented to the jury and testimony delayed until a full examination has been made by each of the trial jurors.

The photograph *per se* is a representation produced by the action of light, visible and invisible, upon sensitized surfaces. A medico-legal photograph of a clinical nature would be one which portrays any part of the body, a removed organ, or pictures of the entire person. Wounds may be cleaned and washed, stitches may be removed to show original condition, and probing instruments inserted for the purpose of a photograph.

Color photography supplies a very useful tool to the trial lawyer. Even the best black and white picture falls short when confronted with one which shows an object as the eye would naturally see it. The relating power is increased many times as the message reaches the jury. Cases involving burns and plastic surgery make excellent use of this method. A medical expert by examining in color can give his opinion as to the age of lesions and bruises due to the color variations after the injury. In some cases, the time a bruise was inflicted may be of the greatest importance in a controversy. Also, slides may be made for the purpose of projection to the entire courtroom.

A further use of color is in the area of endoscopic photography. This concerns the photographic reproduction of the interior cavities of the body by the use of an endoscope. The jury actually sees the otherwise inaccessible living tissue.

Infra-red photography serves where the ordinary clinical photograph is unable to perform. As infra-red rays are the invisible rays of the spectrum, novel applications are

available. In medico-legal work the penetrating power of the rays may be used to bring forth the presence of injuries beneath the skin such as ruptured superficial veins which would not appear in a normal photo nor be seen by the naked eye. A most excellent area for infra-red is in actions which concern occupational diseases. Thus pictures of autopsied lungs affected by silicosis, or varicose veins covered by eczema, may be more accurately presented. In criminal cases it may be used to show whether a hole in clothing is a bullet hole as identified by the grease contact ring left at the place of entry. If the shot is fired from a close range, wax particles and a smoke halo also appear upon the photo.

The science of making magnified pictures of microscopic objects by the attachment of a camera to a microscope is called photomicrography. No greater assistance can be rendered to the medical expert than to illustrate the basis of his opinion by having available photomicrographs of such substances as blood, urine and semen.

A blood stain examined in this manner will show not only that it is blood, but whether it is the blood of a mammal or of a lower animal. Imagine how the cause of a plaintiff bringing suit for injuries to his kidneys could be aided by a photograph of his urine which shows the existence of an inflamed condition.

Perhaps an even more striking illustration of this device would be in a medico-legal case involving the question of the fertility of a male, since a person may be sterile even though there is some evidence of spermatazoa in the seminal fluid. A cinephotomicrograph (microscopic motion picture) made through a comparison microscope, one-half of the picture showing the semen of the defendant and the other half showing a normal person, would illustrate whether the number of sperm and their power of movement would have been sufficient. To say that a jury will be spellbound by medical testimony augmented by a demonstration of this sort is a bland understatement.

Third dimensional pictures are used to obtain an image which is more natural than a normal flat photo. Special glasses must be worn by all viewers.

Enlarged pictures are not only helpful but in some

instances are absolutely necessary to allow clear examination of small and dim areas. In a personal injury case where the plaintiff lost an eye by a chip from a riveting hammer, photographs of sections of good and allegedly defective hammers enlarged 100 and 1000 diameters were proper to enable the jury to determine the character of the microscopic tests used by expert witnesses. Another court held it proper to use a projectoscope showing enlarged photographs of finger and palm prints to the jury.

Negatives may be introduced into evidence when the print from it will not serve a useful purpose. Where marks are dim on a negative, it may be impossible to reproduce it accurately thus causing the negative to become the best evidence.

Use of the motion picture is limited only by the ingenuity of counsel. Every injured plaintiff may indulge in some type of activity which when presented may be detrimental to his case. Not all uses of this device need be made by an adverse party as where due to the extent of injury, it would be dangerous to the health of the patient to require his presence in court, motion pictures may be used to show his physical condition. Along this line, the well publicized telephoto lens is used to great advantage in the investigation of physical disability cases. A favorite trick is to place some objectionable matter on the front porch or walk of the injured person and to take a movie of him as he angrily sweeps it away.

X-ray films are probably the most universally and commonly used species of medical evidence. These rays are produced by the passage of a high tension electrical current into the X-ray tube causing a shadow image on the radiation sensitive material placed in its path. Today, these rays may be taken in the third dimension as well as in motion pictures.

We have surveyed some of the available uses of photography and its relation to medicine and the law. While it affords great opportunities for successful case presentation, it is our responsibility as officers of the court to remain ever alert against abuses in connection with it. ●

#### *about the author . . .*

*MR. ARABIAN is Chairman of the newly created Medico-Legal Committee of the American Law Student Association. At present a senior student at the Boston University School of Law, he received his undergraduate degree in business administration in 1956. Mr. Arabian has been active in his law school's Student Bar Association, and has recently served as president of that organization. After admission to the bar, Mr. Arabian intends to practice in Massachusetts.*

Armand Arabian



## Peaceful Settlement . . .

(Continued from page 15)

The Charter provides that the Security Council should encourage the settlement of international disputes by means of regional agencies either on the initiative of States or on referral from the Security Council. The question of referral of a case from the Security Council to a regional agency can raise a question of the relationship between the regional agency and the Security Council. The type of question considered in a regional agency is quite similar to that normally considered by the Security Council itself.

Thus, there is sometimes a misconception as to how the regional agency provisions of the Charter fit into the general jurisdictional provisions of the Charter. When the Cuban complaint that the United States was engaging in economic aggression against it was recently considered in the Security Council, for instance, the Cubans claimed that those provisions of the Rio Treaty and Bogota Pact which contemplated the solution of such disputes within the Organization of American States before referral to the United Nations were void as in conflict with the jurisdictional provisions of the Charter. Nothing could be further from the truth. The provisions of the Charter authorizing the consideration of disputes within regional agencies, either initially or on reference from the Council, are not a limitation on the jurisdiction of the Security Council. The Security Council has unquestioned authority to consider these matters whenever it thinks appropriate. It is not required to refrain from considering a question while it is being considered in a regional agency. It is not required to refer a question to a regional agency if it does not wish to do so. It may take up a matter again at any time it considers appropriate. What is involved is merely a recognition in the Charter of the fact that matters relating to the maintenance of international peace may in many cases be more effectively handled on a regional basis, and that for this reason the Security Council may conclude that the most effective way of seeking a solution for a question is through a regional arrangement.

### *The Role of the United Nations*

Now, I have been discussing with you various processes for the solution of international disputes, as provided for in Article 33 of the Charter. In all this time we have not yet considered the action of the United Nations itself. The reason for this is quite clear. The Charter of the United Nations contains in Article 33 an extensive list of processes of peaceful settlement which parties are obligated by this Article to apply. The prompt and effective application of one or more of these processes may make consideration of the question in the Security Council unnecessary. Indeed, it not infrequently does so. The Security Council should not have to consider a dispute or situation unless it has become sufficiently intense, and the processes for solving it have proved sufficiently ineffective, that its continuance "is likely to endanger the maintenance of international peace and security."

Assuming the existence of a dispute or situation of this nature, what may the Security Council do? It is authorized

under Article 36 to recommend procedures for settlement. These procedures will presumably be selected from the same list which appears in Article 33 and which we have already discussed at some length. What then does the Security Council add? It can add a great deal. As I indicated to you earlier, one of the major problems in the solution of international disputes is that a certain minimum area of agreement as to what the dispute is about and what criteria are to be used in judging the relative claims of the parties is a prerequisite to settlement.

In this area the United Nations is unexcelled. Not only is the process of frank discussion suited to bringing about an area of general agreement on which settlement procedures can be based, but the fact that the discussion is carried on in an open forum quickly exposes those assertions which are unreasonable and unjustified. As a result the United Nations can be highly successful in reducing a problem to terms in which the normal settlement processes can be effective.

Consider, for example, the action of the Security Council in referring the Corfu Channel dispute to the International Court of Justice. On October 22, 1946, two British destroyers struck mines in Albanian territorial waters in the Corfu Channel. The explosions caused damage to the vessels and loss of life. Holding that the responsibility of the Albanian Government was involved, the Government of the United Kingdom, following diplomatic correspondence with the Government of Albania, submitted the matter to the Security Council. That body invited Albania, which was not a member of the United Nations at that time, to participate in the discussion, on condition that she accept all the obligations of a Member in a similar case. Albania accepted and, on April 9, 1947, the Security Council adopted the following Resolution:

"The Security Council, having considered statements of the United Kingdom and Albania concerning a dispute between the United Kingdom and Albania arising out of an incident on 22nd October, 1946, in the Strait of Corfu, in which two British ships were damaged by mines with resulting loss of life and injury to their crews, recommends that the United Kingdom and Albanian Governments should immediately refer the dispute to the International Court of Justice in accordance with the provisions of the Statute of the Court."

Thereupon, the United Kingdom addressed an application to the Court asking for a decision to the effect that the Albanian Government was internationally responsible for the consequences of the incidents noted above, and that it must make reparation or pay compensation. (The Court eventually ruled that the People's Republic of Albania was responsible for the explosions which occurred in the Corfu Channel, and awarded the United Kingdom compensation therefor.)

Another example is the Security Council discussions of the dispute between Indonesia and the Netherlands in the summer of 1947, which culminated in the adoption of a resolution calling for a solution of the dispute with the good offices of a committee to be chosen by the parties from the members of the Security Council. This effort at mediation led to the conclusion early in 1948 of a military

truce and an agreement on political principles which were to serve as the basis of subsequent negotiations between the parties. A complete settlement, except for the difficult question of West New Guinea, which is still unsolved, was reached at the Round Table Conference in 1949.

Also important as a reason for the usefulness of the United Nations is the fact that it is often difficult to maintain a reluctant, grudging or half-hearted attempt to arrive at settlement in the light of public scrutiny. The contemptuous unwillingness to abandon unjustified and unjustifiable claims may be maintained in private discussion but it is often more difficult for a State to bear the onus of doing so in public debate. Thus, the same processes of settlement which may have proved barren when conducted on a bilateral basis may prove fruitful under the prodding of United Nations considerations.

It is noteworthy that Article 36, paragraph 3, provides that in making recommendations to the parties on procedures for the settlement of disputes, the Security Council should take into consideration that legal disputes should generally be referred to the International Court of Justice. Once again, reference of a question to the International Court of Justice may be possible when open discussion has defined the question at issue and induced the parties to accept legal criteria in its solution.

The Security Council is also authorized under Article 37 to recommend terms of settlement under certain circumstances. Its power to do so is less frequently exercised than its power to recommend procedures of settlement.

The Security Council is not, of course, limited to powers of discussion and recommendation in serious cases, however effective these may be. When the Council concludes that it is confronted with a threat to the peace or act of aggression, it has the power not only to call for provisional measures to prevent an aggravation of the situation but, in addition, to take decisions binding on the parties and enforceable by sanctions which include, in the first instance, such measures as complete or partial interruption of economic relations or of means of communication, and in extreme cases, such measures as military action by land, sea or air forces. These matters are covered by Chapter VII of the Charter.

I want to discuss another instrument for the specific settlement of disputes, which has just rendered a spectacularly successful service in that regard. I refer to the

International Bank for Reconstruction and Development, usually called the World Bank, which was organized in 1945. The dispute that I am referring to is the Indus waters dispute. In 1947, the Indian sub-continent achieved independence, the two separate nations Pakistan and India being created. Part of the boundaries between the two nations run through the Indus River valley, and serious disputes arose between the two countries as to the proper division of the waters of the Indus River and its tributaries, which are highly important for irrigation purposes in this dry area. In 1952 the World Bank offered its good offices to the Governments of India and Pakistan to work out a settlement of the disputes on an economically sound basis. The settlement worked out by the Bank equitably allocates the waters of the Indus and its tributaries between the two countries and involves the construction of a very large system of dams and irrigation works which are expected to cost over a billion dollars. The plan for financing this very large amount has also been worked out by the Bank and will involve contributions by six free-world countries, including the United States, as well as very substantial loans by the Bank and contributions by the two countries directly involved. The treaty between India and Pakistan giving effect to the settlement was signed on September 19, 1960 in Karachi and will remove a major cause of dissension between these two important countries.

Obviously, a great deal more might be said about the various processes now employed for the settlement of international disputes, both the ones already touched upon and others such as mediation and conciliation. A detailed analysis of these processes would not, however, have added much that has not already been covered in broad outline. It is my hope that this discussion has indicated both the scope and the availability of the most important of these processes and a few of their limitations as well. These procedures represent a stage in institutional evolution. It is clear that that evolution is by no means complete. It may be questioned whether it has been sufficiently rapid, in fact, and whether these processes are adequate in their present state of development to meet the difficult problems they must resolve. But with all their faults, I think you should be aware of their existence and of the considerable contribution they are making to today's world. Imperfect or not, these processes are working now. It is on these that we have to base our future development. ●

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## Announcement

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#### *Nature of Contest:*

THE WORLD PEACE THROUGH LAW ESSAY COMPETITION is founded on the belief that a significant amount of capable writing is being done by undergraduate and graduate law students to advance the use of law in the interests of world peace. Realizing that a large portion of this writing is not widely published and brought to bear on this problem, the World Rule of Law Center would like to examine as much of these writings as possible, with a view to giving greater distribution to those contributions consistent with the Center's objections.

The Center has recently published "Design for Research on International Rule of Law," a work containing 113 specific research and writing topics, with a complete description of each project and a check list of work in progress and recently completed. Entrants should read this book, which may be obtained at most libraries or by writing to the World Rule of Law Center, Duke University, Durham, North Carolina.

#### *Eligible Participants:*

Any law student, undergraduate or graduate, in the United States is eligible to enter the competition.

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#### *Rules Governing Manuscripts:*

Doctoral and master's dissertations, special papers or articles prepared in connection with course work or law review work, or articles written especially for this occasion may be submitted. The manuscript should not have been published elsewhere. It is understood that the writer does not relinquish any rights in his manuscript by submitting it for this competition. If some form of publication by the Center is considered, it will be discussed with each author.

Manuscripts should be sent to: Arthur Larson, Director, World Rule of Law Center, Duke University, Durham, North Carolina. All articles should be submitted by October 1, 1961.

## A Lawyer's Law School . . .

*(Continued from page 17)*

the 700 graduates of the School of Law. Under his administration the library has grown from 5,000 to 31,000 volumes and just four years after his appointment, the Law School had obtained the approval of the American Bar Association and the Association of American Law Schools. Dean Raba was instrumental in the establishment of the student clubs at the Law School and was the driving force in the realization of the Alumni Living Endowment Fund and the Lawyer's Living Endowment which serves as the financial support of the Alumni Chair for Visiting Professors. In his efforts to produce better qualified attorneys, the entrance and graduation requirements were raised and the program of law institutes established.

### *The Crucible of Experience*

In keeping with its youthful spirit, St. Mary's has sought professors who have been, and still are, active in the legal profession. Men whose talents have not been solely developed in the theoretical atmosphere of a classroom, but have also come out of the crucible of experience as successful attorneys at law. Therefore, St. Mary's has built its faculty upon the theory that men who have distinguished themselves as practitioners can best serve to inculcate the basic tenets of the law and inspire the student, by example, with a yearning for its active practice.

In addition to the regular faculty members, a visiting professor of national prominence is invited to the School of Law to be a member of its summer faculty. Such outstanding men as Clide O. Martz, Professor of Oil and Gas Law at the University of Colorado and William J. Bowe, Professor of Tax Law, also at the University of Colorado are a sample of the caliber of the occupants of the "Great Teacher's Chair."

The library, always a center of greatest activity in any law school, is one of the most complete repositories of legal authority in the Southwestern part of Texas and has continuously grown and kept pace with the ever-changing concepts of law. Serving as a working library for law students and faculty, the library's doors are also open to members of the local bar as well as research students from the surrounding colleges and military establishments. Every student takes a course in Legal Bibliography, an orientation course in the functional use of legal materials. It is designed to aid the student in finding the law, analyzing the law and evaluating the law after he finds it.

And, thus, in that great southwest State of Texas, a young law school moves forward with the changing times. The Dean, Faculty, and Board of Trustees are making rapid strides toward the building of a new physical plant to match the high caliber of legal instruction.

The goal of this Law School is to have its graduates become fully cognizant of their responsibilities to society—placed upon them by virtue of their becoming members of the legal profession.

St. Mary's University School of Law is truly a *Lawyer's Law School*. ●

● This feature of the Student Lawyer Journal is designed to keep law students up-to-date on current significant developments.  
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## ALSA Newsletter

### American Bar Center Expands

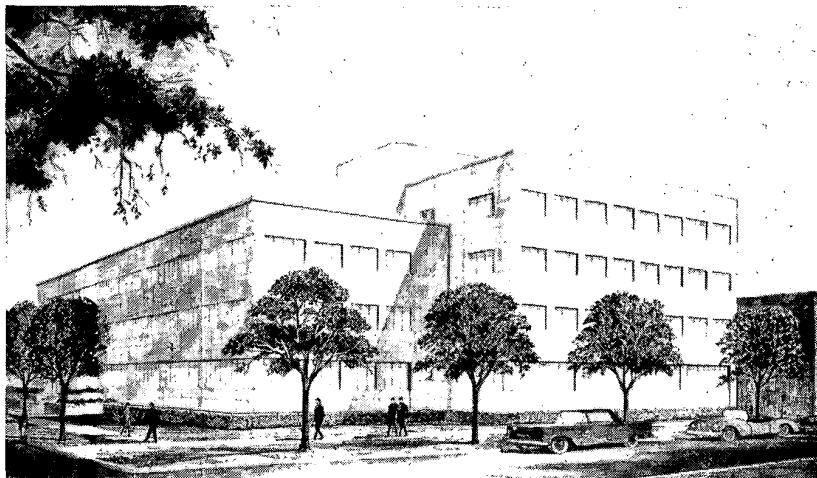
Law Day-1961, will mark the dedication of a new four-story, \$850,000 wing at the American Bar Center in Chicago. The Center, headquarters for many of the nation's legal organizations, is undergoing its first enlargement since completion of the original building in 1954. This expansion is largely due to the increase in services necessitated by the phenomenal membership growth of the American Bar Association—which has risen from 53,200 members in October, 1954 to nearly 100,000 at the end of 1960. The new wing will increase the existing office space by one-third.

The American Law Student Association, whose headquarters are in the Center, will benefit greatly from the expansion, and will add approximately 30% of badly needed space to its working area.

In addition to the ALSA, the Center houses the American Judicature Society, the National Association of Women Lawyers, the Commission of Uniform State Laws and the National Legal Aid Association, as well as the various sections and affiliated organizations of the American Bar Association.

### Placements Committee Outlines Activities

The *Placements Committee* of the American Law Student Association has recently completed its first publication, 1961 *Federal Government Job Opportunities for Young Attorneys*. The booklet is based on data collected by the Committee through its survey of the agencies and departments of the Federal Government. It outlines opportunities and reports entrance salaries, anticipated openings, nature of work assignments, summer employment, quasi-legal and non-legal positions, and the method of making application in each agency. The publication also discusses matters of general applicability to Govern-



Artist's sketch of the new addition to the American Bar Center

ment attorneys, such as substance and procedure of the work, assignment transferability, bar requirements, advancement expectations, application forms and interviews.

The 14-member Committee is currently devoting the bulk of its time to research and compilation preparatory to the drafting of its second publication, *Your Future and the Law*. The booklet will contain chapters relating opportunities in private firms, corporations, military law, Government agencies, judicial clerkships, state and local government, and legal teaching and education. Information concerning starting a solo practice, drafting a job resume and preparing for a personal interview will also be included. *Your Future and the Law* is intended to be a comprehensive and authoritative answer to the ever present question, "What are my opportunities in the legal profession?"

Member associations can expect to receive, within the next few months, packets containing information on developing local placement activities. This material will include suggestions for publications, seminars and other activities which might be conducted

by member associations for the benefit of students and graduates.

Students who are planning to attend the ALSA Annual Meeting in St. Louis this August will want to note that the *Placements Committee* is preparing a program for a comprehensive *Career Conference*—which is hoped will repeat success of the program held during the last Annual Meeting.

The Committee, headed by Thomas Phelps, includes Hal Hovey, Robert Lynch and Robert Means from *George Washington*; *Georgetown Law School* is represented by Robert Dziurgot, Jack Galloway, Joseph Sadofski and James Zazzali. Members Robert Cooley and Roy Littlejohn hail from *Howard Law School* and John Harper is a student at *American University*, Edward Hennessey of *Boston College* and Robert Budelman of *Catholic* complete the roster. The Committee's Secretary is Natalie Klinnert.

### It's Law Day—1961

*Law Day, U.S.A.* (May 1st), is rapidly becoming a major event in

American law school activities. It is a time when the attention of the nation is focused on the *rule of law*, and student bar associations have been in front rank of those legal organizations working to make this celebration a significant one in American life. In 1960, the American Law Student Association awarded recognition to the outstanding work of the Student Bar Associations at Temple and Georgetown Universities for their achievements in the promotion of *Law Day*—not only on the law campus, but in the community at large.

This year, the American Bar Association has prepared two new publications which may be especially helpful to student bar associations in planning and conducting *Law Day*, U.S.A. observances next May 1. The publications are the *Law Day, U.S.A. Program Manual* and the *Law Day, U.S.A. Speakers' Digest*, each containing a chapter on *Law Day* ceremonies for law schools.

The *Program Manual*, a two-color illustrated brochure, contains statements endorsing the objectives of *Law Day* by more than a dozen presidents of top national organizations. The booklet covers the basis of *Law Day*, programs for law school observances, suggestions for speakers, and a list of films, books, publications and recordings dealing with our heritage of liberty under law. Chapter Five of the *Program Manual* outlines some of the successful programs presented in law schools during the past year.

The *Speakers' Digest* is designed to assist persons speaking or writing on *Law Day, U.S.A.* subjects. This 48-page booklet contains addresses and selected talks on *Law Day* themes suitable for school assemblies, public meetings, law school programs, court ceremonies and religious occasions.

Student bar associations should also take note of the brochure published by the ALSA entitled, *Law Day, U.S.A.*, which outlines the experience of the George Washington University Student Bar Association in planning their program. The two ABA manuals (which are priced at ten cents each), and the ALSA brochure (free of charge) may be obtained by writing to the ALSA, 1155 East 60th Street, Chicago 37, Illinois.

#### **Army JAG—An Armed Services Committee Report**

This report, the second in a series on the JAG programs prepared by the ALSA Armed Services Committee,

headed by George Felkenes, features the Army Judge Advocate General's Corps.

George Washington appointed the first Judge Advocate General in 1775 and, since 1849, the Corps has been in continuous existence. Now comprising over 1,000 judge advocates, the size and scope of its operations demand an increasing number of qualified men.

The Army J.A.G. officer operates in many facets of the law. In the basic field of military law the Judge Advocate functions at both trial and appellate level as prosecution or defense attorney. Under the Uniform Code of Military Justice and existing Army procedure, trial personnel of general courts-martial are members of the bar of a federal court or the highest court of a state who have been certified as qualified to perform these particular duties by the Judge Advocate General. These requirements apply to the law officer whose duties are similar to a civilian trial judge, the trial counsel who is the prosecuting attorney, and the appointed defense counsel.

In the field of military affairs, the Judge Advocate is concerned with the preparation and interpretation of statutes and regulations. He renders opinions on questions of law pertaining to military and former military personnel, powers and functions of the Army, powers and duties of the Secretary of the Army and the delegation thereof, military aid to the civil power, and the use of government property.

The Judge Advocate is actively engaged in the field of Procurement Law—giving opinions in questions of contract law, taxation, bonds and contract financing. He represents the Army in contractors' appeals, renders opinions concerning Army procurement and furnishes the Labor Adviser to the Secretary of the Army.

In the field of international affairs, the JAG Officer prepares opinions pertaining to international law and affairs affecting the Army. In addition, the fields of legal assistance, real estate, patents, litigation, claims, and military justice are within the general scope of the activities of the JAG Corps.

To be appointed to the Army Advocate General's Corps, the applicant must be between the ages of 18 and 32, a citizen of the United States, physically fit, have a professional degree, admitted to practice before the highest court of a state or a federal court (if application is made prior to admittance to practice, proof

of such admittance will be submitted at the earliest practicable date). The newly commissioned officer will be obligated to serve three years of active duty.

After a basic officer's training course at Ft. Benning, Georgia, and the JAG School in Charlottesville, Virginia, the new officer is appointed to the rank of first lieutenant. The pay, including allowances, will be approximately \$400 monthly, and includes an initial clothing allowance of \$300 at the time of commissioning. If living quarters are not furnished by the Army, a rental allowance to defray the expense of civilian housing is added to the basic pay. The JAG officer is entitled to 30 days leave each year with pay. Medical care will be furnished for the officer and his dependents. Many "hidden" benefits are included, such as membership in the officer's clubs and foreign travel.

An applicant enrolled in his last year of law school or who is a recent law school graduate may apply for an appointment prior to graduation from law school or admission to the bar. Final action cannot be taken until graduation and admission to practice. Evidence of graduation from law school and admission to the bar must be forwarded by the applicant to the Adjutant General.

Additional information may be obtained from the Staff Judge Advocate at any Army military establishment or the Military Personnel Division, Office of the Judge Advocate General, Department of the Army, Washington 25, D.C.

#### **Report on Student Bar Programs Committee**

The primary objective of the *Student Bar Programs Committee* is to assist in the development and operation of constructive and educational programs which may be conducted by the ALSA member student bar associations.

With this view in mind, the Committee has set up a *Clearing House* which provides a centralized compilation of the diversified activities of each student bar association for the use of those law schools which have not developed comprehensive programs, but intend or desire to do so.

The *Student Bar Programs Committee* is also responsible for the development of new ideas in student activities to supplement the legal training the law student receives so that he may be fully prepared to practice upon entering the profession.

To date, the Committee is actively

evaluating the results of a survey of member associations which attempted to determine how extensively student activities were being utilized by the law schools, and is answering the many requests for information which have come to the *Clearing House*.

Further, there are model student bar programs being developed by the respective ALSA Committees, e.g., Pre-Law Clubs, etc.

Still further, this Committee is formulating a *Model Student Bar Handbook* which will illustrate the best ideas on student activities that we have been able to compile.

It is the hope of the *Student Bar Programs Committee* that all member associations realize that our function is to be of service to them. It is also hoped that each student bar association will utilize the services the committee has to offer so that, in turn, the member associations will be better able to be of service to the nation's law students.

### The Shadow of Chessman

A recent American Bar Foundation research project reported that a considerable number of cases involving long delays in carrying out death sentences for capital crimes "makes it abundantly clear that remedial measures are necessary" if public confidence in this phase of the administration of justice is to be sustained.

The informational research study was made by the Foundation, the research arm of the American Bar Association, at the request of the Board of Governors, following the execution of Chessman in California after 12 years of postponements resulting from a series of appeals to state and federal courts.

"The overall effect of the Chessman case is felt keenly by the legal profession," the report said. "It is aware that the chief contact the public has with the law is through criminal proceedings . . . (and) . . . defects in the process, whether actual, apparent or imaginary, easily catch the public fancy. The legal profession must therefore be especially alert to problems as they arise in criminal justice administration, else the law in general will be held in disrepute."

The report points out that the Chessman case was not typical, but that of 227 persons executed in the U. S. in the four years from 1956 through 1959, elapsed time between sentencing and execution exceeded one year in 122 cases and was in

## FEDERAL GOVERNMENT JOB OPPORTUNITIES

1961 Edition of the pamphlet listing over 1,500 job openings for law students and young attorneys with the federal government.

*Available for 25¢ each from*

**American Law Student Association**  
1155 East 60th Street  
Chicago 37, Illinois

excess of four years in 15. Similarly, of the 159 prisoners under death sentence at the end of 1959, sixty-eight had been in "death row" over a year.

The significance of these statistics lies in the fact that statutes of the various states provide for an average of about three months time for carrying out of death sentences, the report said.

Without debating the merits of capital punishment itself or advancing specific remedies, the report suggested that improved measures to end protracted delays already are at hand if Congress and the state legislatures are inclined to act on them. The present "improved" statute provides in substance that habeas corpus applications of state prisoners would be limited to federal constitutional questions, and that a prisoner may not "re-litigate" (unless there is new evidence) in lower federal courts constitutional questions previously adjudicated adversely to him by the Supreme Court.

### New Publications Available

The American Law Student Association is widely known throughout the legal world as a prolific publisher. ALSA's publications have achieved wide distribution, not only among law students, but throughout the entire profession. This year the ALSA continues its tradition of presenting publications designed to perform a definite service to its members. Among the new works available are:

*The Student Bar Directory* is now ready for distribution to member associations and other interested groups. The *Directory* presents an up-to-date listing of student bar officers, law

school deans and school newspapers of the ALSA member associations.

*Facts About the ALSA*, an attractive brochure, outlines our association's work and objectives. Suitable for distribution to individual members of student bar associations and pre-law clubs, it will also be valuable in public relations work.

*Bar Refresher Courses* is a listing of available courses as determined by a recent survey. Listing in this brochure is not a mark of ALSA approval of any of these courses.

*The Federal Government Job Opportunities for Young Lawyers-1961* (see advertisement above) is available for 25¢; all other brochures listed are free-of-charge. All pamphlets may be obtained by writing to ALSA, 1155 East 60th Street, Chicago 37, Ill.

The myriad regulations, laws and statutes that comprise the divorce laws of the 50 states have been completed in a comprehensive, easily read chart, entitled "Divorce, Annulment and Separation in the United States" by Mary M. Smithburg, staff attorney with the National Legal Aid and Defender Association. The chart, which details laws on Marriage, Grounds for Matrimonial Actions, and Procedures, may be obtained by sending 25¢ to the NLADA, American Bar Center, Chicago 37, Illinois.

Mrs. Smithburg prepared the factual table which summarized the article *Legal Clinic: A Report on a Survey by the American Law Student Association and the National Legal Aid and Defender Association* by Junius L. Allison (Student Lawyer Journal, February, 1961).

● Through this department the Student Lawyer Journal seeks to encourage and assist ALSA member associations and law schools in developing educational and professional audio-visual programs.

## Audio-Visual Reviews

### Cathode Courtroom

*Divorce Court*, a series of courtroom dramas featuring marital problems, has been popular Saturday night fare for about two years. The plaintiffs, defendants and witnesses are actors, the lawyers are lawyers and the judge is Voltaire Perkins, an attorney and former law instructor. The legal aspects of the program are conducted with dignity, restraint and as much verisimilitude as possible when the courtroom setting is being used to tell a story.

The courtroom stage with its one scene, small cast and opportunities for recapitulation through examination of witnesses has long served the novelist and playwright well. It is particularly suitable for television where time is strictly limited, scene changes costly and where the same framework must be used repeatedly to carry the theme of a sustaining program if the protagonists are to change weekly. The television "Court" is a permanent institution.

We are provided sociological overtones with this drama. It is touted as a program designed to curb the rising divorce rate. For those whose consciences are too puritan to enjoy their melodrama straight, a short sermon is preached by the judge at the conclusion of each program. That married couples solve many of their difficulties out of court if they would just talk their problems over with each other is an oft pronounced platitude.

Whether the program succeeds in its avowed purpose, to provide assistance to many marriages before legal proceedings are filed, is questionable. It is highly possible that this sort of presentation of divorce proceedings may have the opposite effect. While the cases presented are supposedly lifted from the files of the Los Angeles Domestic Relations Court, and the plots undoubtedly are, there is little relationship between this



Courtesy WGN-TV, Chicago

That is the man: Actor Sal Minicucci makes an identification for Jackson Hill, producer of *Divorce Court*, as the Judge (Voltaire Perkins) looks on.

dramatic presentation of courtroom proceedings and the actual ones of a divorce court which are perfunctory, almost crude by comparison, and provide no balm to the sensitivities of the defendant and plaintiff.

While it is possible that those having acute marital difficulties might go to great lengths to solve them out of court if they could be present in an actual divorce court for a few hours, it is doubtful they would be inspired to make the compromises necessary for reconciliation by watching this program. Regular devotees of *Divorce Court* might more likely be motivated to take their problems to a wise and friendly counselor to have his aid in presenting them for impartial solution by the fair, just and objective court. *Divorce Court*, where the listener can project himself as a star in a play, complete with attentive audience and

sympathetic fellow-actors, might look like a pretty nice place to air the old family arguments.

### New Listings of Legal Tapes Revealed

A large number of tape recordings of legal interest were revealed in a report of the *Audio-Visual Committee* of the ALSA. The Committee, under the Chairmanship of Peter Plumb, noted that the wide variety of topics covered in these new productions will provide a fertile source of discussion material for student bar groups.

*Should the Jury System be Abolished in Civil Cases* is the topic of discussion between Professor Harry Kalven of the University of Chicago and John Rogge, the noted expert on civil liberties, who speak in favor of juries, and Judge Mark Sullivan of New Jersey, who proposes the aboli-

tion of the jury system. An organization may arrange to borrow the tapes or have them copied. Information may be obtained from Rutgers School of Law, 53 Washington Street, Newark, New Jersey.

*That's the Law* is the title of a new series of 13 tapes (13½ minutes each) which were produced by Radio House of the University of Texas, and are distributed by Tapes for Teaching, National Repository, Audio-Visual Center, Kent State University, Kent, Ohio.

Each of the tapes is a dramatic presentation designed to illustrate the need for proper legal advice in many phases of personal and commercial activity. Familiar situations are dramatized to highlight due process of law and the programs are presented in an entertaining manner. The following titles, and their code numbers, comprise part of the series:

Legal Involvements in Automobile Accidents (C 119).

Leasing Property for Mineral Rights (C 120)

False Arrest, Negligence and Slander—all part of a day's loss to an uninformed department store manager. (C 121)

The Rights of Free Trial by Jury—the responsibility of every citizen to serve when called for jury duty. (C 122)

Responsibility of a Witness—the story of a man who hears a crime committed. (C 123)

### A Real Case of Murder

The American system of administering justice in criminal cases received some sharp and penetrating criticism on March 2 during a CBS-TV documentary production—"A Real Case of Murder: People vs. Manceri."

The specific crime documented was a murder in Brooklyn, New York. Edward Butler, a sixty-five year old bachelor, "had his brains stomped out" in a public park on the evening of July 30, 1959. Peter Manceri, at fifteen described as a cocksure and aggressive street-fighter, was identified as the murderer by his thirteen year old girl friend, and swiftly apprehended and indicted. According to the girl, Manceri flew into a wild rage and attacked Butler after he scolded them for over-passionate "necking" in the park.

Manceri was held *incommunicado* by the police and questioned for eight hours—all the while stoutly maintaining his innocence.

The news media had a field day with the alleged facts of the case, giving every indication to the public that Manceri was undoubtedly guilty of the crime with which he was charged. As a result, his parents were abused personally, and the judge who granted him bail underwent public scorn when he suggested that the State's case was based on inadequate evidence.

The District Attorney and the Defense counsel both followed the traditional rules of the *adversary process*.

The Defense, for instance, concealed the fact from the State that it had evidence that Manceri's girl friend had lied when she identified Manceri as the murderer. Her statement to several friends was that the police had been very nice to her, and promised that she would be the "star witness" in the trial.

The District Attorney also had evidence which contradicted that supplied by its "star witness," but it maintained that the State was not obligated to make this evidence available to the Defense.

This concealment of evidence by both sides suggests that Manceri need not have gone to trial at all, for when all the facts were made known, Manceri was acquitted.

Following the trial the Manceri family and the witnesses and jurors

continued to receive personal abuse. Some of this may have been due to the fact that the news media did not give as prominent news coverage to Manceri's acquittal as they had given to his arrest.

But then, in Manceri's words—"You can't blame people for believing what they read in the newspapers."

During the last few minutes of the television production, Edward R. Murrow (the narrator) called upon three distinguished lawyers for their impressions of the case. Members of the panel were: Dean Erwin N. Griswold of the *Harvard Law School*; United States District Judge Irving R. Kaufman, Southern District of New York; and, Judge Charles Desmond, of the New York Court of Appeals.

All panelists agreed that the abuses of criminal justice depicted by the Manceri case were occasioned by three critical and, as yet, insoluble problems of the administration of justice: 1) the frequent subversion of a defendant's right to a fair trial by irresponsible press treatment; 2) the all-too-prevalent distrust between officers of the court (defense and prosecution) and the surprise element that the "adversary theory" of justice entails; and, 3) the indisputable fact that the economic condition of the defendant may often dictate the calibre of representation he receives.

### Pre-Meeting Registration Form

### THIRTEENTH ANNUAL MEETING

### AMERICAN LAW STUDENT ASSOCIATION

August 5-10, 1961

Hotel Ambassador, St. Louis, Mo.

The ALSA Annual Meeting Committee is now preparing advance materials describing the activities being planned for the Association's 13th Annual Meeting to be held in St. Louis in conjunction with the 1961 Annual Meeting of the American Bar Association. Student Bar leaders and individual students who expect to attend the ALSA meeting may receive special literature on the conclave by completing the form below and returning it to the Annual Meeting Committee.

Harold Goodman, Chairman  
ALSA Annual Meeting Committee  
1155 East 60th Street  
Chicago 37, Illinois

Please Print

Please send me special advance information on the activities being scheduled for the 13th Annual Meeting of the ALSA in St. Louis. I expect to attend as .....an official delegate .....as an individual observer and participant. (Check appropriate blank.)

Name:..... Law School:.....

Mailing Address:.....City:..... State:.....

SLJ-461

● *The Student Lawyer Journal*, in the belief that lawyers must be well-read persons, offers these titles for consideration. Each is carefully selected and merits a place on the student lawyer's bookshelf.

## Student Lawyer Bookshelf

**The Common Law Tradition—Deciding Appeals**, by Karl N. Llewellyn. Little, Brown and Company, 1960. \$8.50.

Confidence in our appellate judicial system has been waning. Pronouncements are often heard that judges "decide the way they want to," that the courts have abandoned the principle of *stare decisis*, that precedent has been ignored and long-standing legal reason discarded.

Into this field of decaying confidence, like a knight on prancing charger, Karl N. Llewellyn has appeared with a deftly wielded lance of realistic defense and appraisal. The basic problem, he maintains, lies in our own attitude, which takes the aspect of an unwarranted pessimism. The standard has been misapprehended; the courts must be stripped of their tinsel and evaluated as *human* institutions.

First, there are steadying factors in the operation of our courts which limit the range of decision. These factors include, among others, law-conditioned officials, legal doctrine, known doctrinal techniques, group decision, and adversary argument by counsel. A focus by counsel upon these considerations, coupled with a reading of the cases that seeks to discover *how* the court decides, rather than what the most recent holding is, will enable the predictability of the outcome, in most cases, to exceed that of a good business risk.

Second, and particularly promising, is the renaissance during the last twenty years of opinions written in the "Grand Style" of the common law, i.e. with situation-type analysis, the rule of reason, and the guidance of wisdom or sense of injustice; rather than with the technical formalism prevalent after the turn of the century. A superbly penetrating study of the methods of treating precedent ("the leeways of precedent") reveals sixty-four documented variations, both acceptable and illegitimate. This analysis provides the foundation for a



Karl N. Llewellyn

basic theme; the courts develop and advance law, not merely in the extreme and unusual cases, but in the disposition of the consecutive run-of-the-mill cases. Thus, creativity is present in the daily operation of the state courts.

Finally, we are confronted by the reassertion of the practice of law as a *craft*. A working philosophy for the attorney in representing his client and the judge in deciding appeals is presented as the measure of present accomplishment and future potential of the law. Professor Llewellyn does not attempt to evade or side-step the inconsistencies or human frailties apparent in the workings of our appellate courts, but he does direct us toward the grandeur of the great edifice constructed by little decisions and imperfect judges.

In short, he has succeeded in restoring a long-needed perspective in our attitudes toward appellate courts, a perspective resulting not in cynicism, but in a realization of the present values of a human institution.

**Scott's Abridgment of the Law of Trusts**, by Austin W. Scott. Little, Brown and Company, 1960. \$11.00.

This book, by the Reporter on Trusts for the American Law Institute, is an abridgment of the author's five

volume treatise on the law of trusts. A few sections of the larger work have been omitted and others have been condensed but, in the main, it is the deletion of all footnotes and of the discussion of all but selected leading cases, which has enabled Professor Scott to compress his larger work into this 776 page abridgment.

*Scott's Abridgment* begins with an historical discussion which, although somewhat brief, presents an excellent background of the development of the law of trusts, depicting its birth as an outgrowth of a need produced by the feudal system, and demonstrating its peculiarity to the Anglo-American Law through a comparison to similar legal devices found in other legal systems.

An entire chapter is devoted to basic definitions and distinctions, coupled with numerous comparisons between the trust and other similar devices, and their differing legal ramifications. Following this more tangential material, the book progresses in a chronological manner, beginning with the creation of a trust and ending with its termination.

The book contains both the English and American Law, as well as any statutes definitive of, or in abrogation of, common law doctrines. Pervading the entire work are explanations of the underlying social policies behind the law, frequently enhanced by the author's own convictions as to their validity. In general, Professor Scott is of the opinion that rather than a formulation of hard and fast rules, the reason for the law should be studied, and the determination made in any given situation, whether the facts lend themselves to the application of trust doctrines or those of some other area in terms of social desirability. This noteworthy approach provides the reader with guide-lines for a careful exploration of the law, and an awareness of the need for certain basic modifications.

Particularly outstanding is the author's treatment of trust administration. Almost one-third of the treatise

is devoted to particular problems which arise in administration, and practical suggestions for their avoidance.

*Scott's Abridgment* does not follow the traditional format of "black letter law" found in so many textbooks, and so popular among students. However, each section is titled in a definitive manner, and of sufficient brevity so as to be quickly scanned in search of the desired rule of law.

Because the sources are omitted, the work will be of more value to the student than to the practicing lawyer in need of many citations for his research. Whether or not it is used as a supplement to the classroom, the author has contributed a well-developed statement of the law of trusts, sufficiently simplified and oriented to student understanding.

**The Jerry Giesler Story**, by Jerry Giesler as told to Pete Martin. Simon and Schuster, 1960. \$4.50.

**Hollywood Lawyer**, by Milton M. Golden. Signet Books, 1960. 50 cents.

Lawyers who publish books about their clients legal affairs might be likened to the teenage Lotharios who kiss and tell. Neither group violates the law, but you sometimes begin to wonder about their manners.

*The Jerry Giesler Story* is "the fascinating personal history of the boy from a small Iowa town who, fifty years ago, came to Hollywood to practice law and whose name today is associated with some of the most important court decisions and legal precedents—as well as some of the most sensational trials—of this century."

Among attorney Giesler's clients have been Errol Flynn (on trial for statutory rape); Lili St. Cyr (arrested for "indecent exposure"); Charles Chaplin (violation of the Mann "white slavery" Act); and Robert Mitchum (illegal possession of narcotics).

Though all of these people are (or were) public personalities, and even though no privileged communication has been violated by Mr. Giesler, it would be far better if he had not again reminded the public of their days in the legal limelight. After all, a lawyer's clients come to him with troubled minds. If they know he might conceivably write books for popular consumption about their problems, they would undoubtedly be less likely to confide completely in

him. A high standard of professional responsibility should dictate that a lawyer's discretion about his client's affairs extend far beyond the doctrine of privileged communication. Scandal magazines rake over enough dirt without lawyers adding their own spade.

The author's recollections of his early law school and law practice days do, however, furnish some good fuel for thought for today's law students. Giesler (reminding us that his name rhymes with "geese") worked his way through the University of Iowa Law School and the Law School of the University of Southern California. "No ball of fire" as a student, he almost flunked the basic course in contracts.

After graduation, Giesler and two fellow students set up a law partnership which soon developed into a collection agency. One of the debtors he contacted was the well-known West Coast defense lawyer Earl Rogers. It turned out that Mr. Rogers was "collector-proof." "His office staff was trained to smell bill collectors the way bird-dogs smell bobwhites." Giesler did, however, get a job as Rogers' office boy and janitor. As Rogers' star faded, Giesler's climbed.

*Hollywood Lawyer*, by attorney Milton Golden, is a paperback publication with spicier cases. The author's purpose is to tell us about the legal matters he has handled—things that we'll "never see on film and seldom in print—unless it is the fine print of court records." We learn about the famous director who paid a "shapely actress \$7,500 for the privilege of sleeping alone." And, we're told about the case of the publicity man and what he did when he discovered his wife was a call girl.

**Defenders of the Damned**, by Alan Hynd. A. S. Barnes & Co., 1960. \$3.95.

*Defenders of the Damned*, written by a detective story writer, is one other contribution that makes it questionable whether the term "criminal lawyer" is a grammatical error. "The spectacular careers of the three greatest criminal lawyers of the country," says the blurb, "painted with bold, dazzling strokes."

Mr. Hynd's strokes are, indeed, heavy and blinding enough to obliterate any of the delicate lines of individuality that his characters possessed. We are told that they are Earl Rogers, Clarence Darrow and Joseph Fallon.

Since the publisher borrows metaphor from the fine arts, we shall do

likewise. Mr. Hynd has pasted together a *decoupage* consisting of a faded photo of John Barrymore in working pose, facing 12 weeping citizens in a jury box, with whiskey labels placed strategically for color and framed by a black lace garter.

**Advocacy and the King's English**, edited by George Rossman. Bobbs-Merrill, 1960. \$15.00.

One can not say too many good things about this remarkable collection of top-flight articles dealing with legal writing as an advocate's tool. *Advocacy and the King's English* demonstrates once again that there cannot possibly be a vocation or profession more intellectually enriching than the law.

Unfortunately, the price of this thousand-word volume may deny it a deserved place on most young lawyers' bookshelves. For that reason it might have been wiser for the publisher to have presented it in two independent, though related, volumes.

There are sixty-five articles included in this work, all selected by members of the *Scribes*—an organization composed of lawyers who have done superior legal writing. The editor is an associate justice of the Supreme Court of Oregon. The motive of *Scribes* in publishing this volume is to encourage, by its excellent selected suggestions and examples, more effective writing on the part of lawyers.

Among the choicest selections and those most useful to law students as future advocates are: "The Trial Brief," by Charles W. Joiner; "Advocacy before the (U. S.) Supreme Court," by Robert H. Jackson; "Essentials of an Effective Trial Brief," by Frederick B. Weiner; and, "English as She is Wrote," by William L. Prosser.

A good deal of the writing lessons to be learned from a reading of *Advocacy and the King's English* are advanced in humorous fashion—itsself a most effective communication and teaching device. For instance, Benjamin Franklin's memorable advice: "If you would not be forgotten, / As soon as you are dead and rotten, / Either write things worth reading, / Or do things worth the writing."

Then there is the story told about Mr. Justice Holmes who, in his later years, wrote his opinions while *standing up*—commenting that "nothing conduces to brevity like a caving in of the knees."

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**3. Your own individual policy**, not just a group certificate. *Compare this with stripped-down plans.*

**4. Self-completing if your health fails.** Premiums are paid for you. *Compare this with stripped-down plans.*

**5. Double Indemnity.** Pays double for accidental death. *Compare this with stripped-down plans.*

**6. Guaranteed retention** of full amount, without medical exam, at original age rate, at any time, on any permanent plan. *Compare this with stripped-down plans.*

**7. Policy is assignable** as collateral.



Mail the attached card today ➡

ALSA LIFE is proudly endorsed by . . .

**AMERICAN LAW STUDENT ASSOCIATION**

**20% BONUS ON ALSA LIFE  
APPLY NOW**

**(SEE INSIDE BACK COVER)**

# 20% BONUS COVERAGE SEND IN THIS CARD NOW!



**\$6,000 FOR ONLY \$25 PER YEAR  
\$12,000 FOR ONLY \$50 PER YEAR**

## APPLICATION FOR ALSA LIFE

To the Minnesota Mutual Life Insurance Company for the ALSA Term Life Insurance Plan automatically convertible to the Whole Life Paid-up at Age 90 Plan. (Please print or type all information.)

(1) Name \_\_\_\_\_ (2) Permanent Mailing Address \_\_\_\_\_ (3) Present Height \_\_\_\_\_

Check coverage desired:

(4) \$10,000 insurance \$50 annual premium ☐ (6) Date of Birth \_\_\_\_\_ (7) Date Entered Law School \_\_\_\_\_ (8) Your Law School \_\_\_\_\_ (9) Present Weight \_\_\_\_\_

(5) \$5,000 insurance \$25 annual premium ☐

(10) Name of Beneficiary \_\_\_\_\_ (11) Relationship of Beneficiary \_\_\_\_\_ (12) ALSA Affiliated Association of Which You Are a Member \_\_\_\_\_

(13) Do you know of any impairment now existing in your health or physical condition? Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes" give particulars: \_\_\_\_\_

(14) Have you consulted a physician for any illness during the past three years? Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes" give particulars: \_\_\_\_\_

I HEREBY APPLY for the insurance described above and agree to pay premiums therefor at the rate shown above. All dividends declared under this policy during the term insurance period shall be the property of the American Law Student Association. INFORMATION in this application is given to obtain this insurance and is true and complete to the best of my knowledge and belief. The Company shall incur no obligation because of this application unless and until it is approved by the Company and the first premium is paid in full while my health or other conditions affecting my insurability are as described in this application.

10261-11/60 \_\_\_\_\_ 19\_\_\_\_ Date Signature of Applicant

**20% BONUS ON ALSA LIFE**  
**APPLY NOW**  
(SEE INSIDE BACK COVER)

FIRST CLASS  
PERMIT No. 3547  
ST. PAUL, MINN.

**BUSINESS REPLY MAIL**

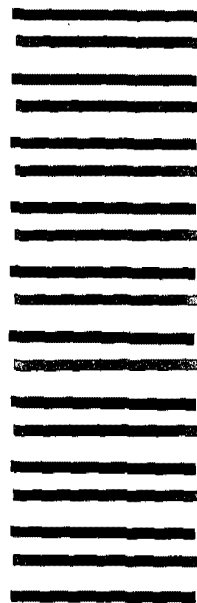
No Postage Stamp Necessary if Mailed in the United States

Administrator **ALSA LIFE** Plan

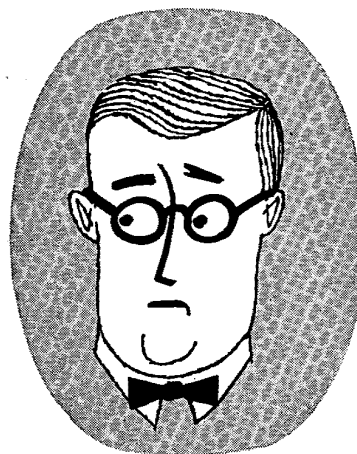
The **MINNESOTA MUTUAL LIFE** Insurance Company

Victory Square,

St. Paul 1, Minnesota



# 200,000 HEADS ARE BETTER THAN ONE!



WE'RE SPEAKING OF the two hundred thousand or more men and women who are or who are about to be active members of the legal profession in the United States. One lawyer can't do much about the basic national problems that confront the legal profession today—problems like unauthorized practice, public relations, professional discipline and standards, and federal legislation affecting the practice of law. *But 200,000 lawyers can do a lot!*

WHEREVER YOU PRACTICE, *you* can do a lot—perhaps more than you realize—to strengthen your profession now and for the future. You can help yourself and your profession by joining the American Bar Association as soon as you are admitted to the Bar. Your membership, your interest, and your modest annual dues will enable your national association to serve you better in all of the areas calling for a truly national representation of the Bar. Membership in the American Bar Association is both an evidence of professional responsibility and a hallmark of professional standing.

**MEMBERSHIP  
COSTS  
ONLY \$5.00  
for lawyers  
admitted  
two years  
or less.**

FOR FURTHER INFORMATION, WRITE TO

**AMERICAN BAR ASSOCIATION**

Membership Department  
American Bar Center  
Chicago 37, Illinois

**Even if you  
never set foot  
in Federal Court**

If you have businessmen clients you must consider the effect of federal laws on even the most commonplace business affairs. For federal laws can govern your client's business — regardless of how small or how large.

And even if you have no expectation of ever practicing in Federal Court, it is imperative that you recognize and advise on the laws that govern your client's business affairs.

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**WEST** PUBLISHING COMPANY  
St. Paul 2, Minnesota

April 11, 1961

REC-91

EX-108

74-1-267 1515

**Director of Activities  
American Bar Association  
1155 East Sixtieth Street  
Chicago 37, Illinois**

b6  
b7C

Dear :

Your letter of March 30, 1961, has been received, and your kind comments concerning my manuscript are deeply appreciated. I am glad to learn of the great interest in the article, and I want to assure you it was a pleasure to prepare it for your publication.

Sincerely yours,

MAILED 30

NOTE:  letter refers to the Director's article entitled "FBI Laboratory" which will be published in the June, 1961, issue of "Student Lawyer Journal." This is the third in a series of four articles which the Director is preparing for this publication. The manuscript was sent to  on 3-27-61.

Tolson \_\_\_\_\_  
Parsons \_\_\_\_\_  
Mohr \_\_\_\_\_  
Belmont \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

BS:par/kmd  
(4)

51 APR 21 1961

MAIL ROOM ☐ TELETYPE UNIT ☐

APR 11 3 12 PM '61  
REC'D-READING ROOM  
FBI

REC-65

April 13, 1961

Mr. Joseph D. Stecher  
Executive Director  
American Bar Association  
1155 East 60th Street  
Chicago 37, Illinois

b6  
b7c

Dear Mr. Stecher:

I have been advised of the invitation extended on April 7 by [redacted] in your behalf for me to address the members of the American Bar Association staff when I am next in Chicago. I do appreciate the thoughtfulness which prompted this, and I wish to express my personal thanks for your generous remarks which [redacted] conveyed.

I assure you that I will keep this matter in mind; however, because of the uncertainty of my official commitments I cannot hold out any hope that I will be able to indicate an acceptance in the foreseeable future. I know you will understand my position just as I am certain you are well aware that I deeply appreciate the honor you have extended to me in desiring that I visit you and your associates.

Sincerely yours,

J. Edgar Hoover

- 1 - Chicago
- 1 - Mr. Malone

APR 13 5 38 PM '61  
REC'D-READING ROOM  
FBI

MAILED 31  
APR 14 1961  
COMM-FBI

Tolson \_\_\_\_\_  
Parsons \_\_\_\_\_  
Mohr \_\_\_\_\_  
Belmont \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

NOTE: Messrs. Stecher and [redacted] are on the Special Correspondents' List. See H. L. Edwards to Malone memorandum dated 4-10-61 and entitled "American Bar Association Inquiry, Concerning Availability of Director To Address American Bar Association Headquarters Staff, HLE:pls."

HHA:jab  
(6)

MAIL ROOM

56 APR 28 1961

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone *jm*

DATE: 4/10/61

FROM : H. L. Edwards *HL*SUBJECT: AMERICAN BAR ASSOCIATION INQUIRY  
CONCERNING AVAILABILITY OF DIRECTOR  
TO ADDRESS AMERICAN BAR ASSOCIATION  
HEADQUARTERS STAFF

Tolson \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

b6  
b7c

*III*  
 On Friday afternoon 4/7/61, I received a telephone call from [ ] Controller and Business Manager of the American Bar Association (ABA). He is a very important member of their staff and great admirer of the Director and a good contact.

[ ] said he had been talking earlier that day with Joseph Stecher, Executive Director of the ABA Headquarters Staff. The ABA is opening a new and beautiful wing of its headquarters space within the next week or so. They're going to have the formal dedication ceremony in June, 1961. They're not having much of a program although Associate Supreme Court Justice Tom Clark is going to speak for about 5 minutes as well as some local judge.

The point that [ ] wanted to mention was that Stecher had wondered whether Mr. Hoover ever had occasion to be in Chicago on business. Stecher and [ ] both felt that if the Director were ever in Chicago on business and would be able to spare a few moments to go over to the ABA Headquarters at the Bar Center and address ABA Headquarters Staff for a few moments, it would be the greatest thing in the world that could ever happen to them and that the impact would be tremendous. [ ] stated that all the people at the Bar Center have come to know the FBI and they feel that the Director is just about the greatest living American. [ ] stated that the ABA total membership as of now exceeded 100,000 and that the Attorney General joined in March, 1961.

I told [ ] it was certainly very thoughtful of him and Joe Stecher to think of the Director in this connection and that I was certain the Director would be pleased to learn of the high regard in which he is held by the Headquarters Staff. With regard, however, to the Director's possibly being in Chicago in the foreseeable future on official business when he might be able to work in a visit to the Bar Center, I told [ ] that this was very unlikely particularly in view of the Director's extremely heavy commitments at this time. I assured [ ] I would bring his message to the Director's attention for whatever action he desired to take. [ ] said he would be appreciative of this. He said

1 - Mr. DeLoach

1 - Mr. Ingram

HLE:pls

(4)

XEROX REC-65

94-1-369-1516

APR 27 1961

18 APR 24 1961

NOTED

*Stegeman  
and  
Stecher  
not  
seen*

Memorandum to Mr. Malone  
Re: ABA Inquiry concerning Availability of Director to  
Address ABA Headquarters Staff

that they could work the matter in at any time suiting the Director's convenience.

[ ] also mentioned that they are in the process of preparing a special dedication issue of one of the ABA publications which would be timed to come out in connection with the dedication of the new wing in the Bar Center. He said that when he gets the draft back from the layout men he is hopeful that he will be able to send a copy to the Director and ask the Director if he would be good enough to prepare a little message for inclusion in the publication. He said the proposed keynote of the publication will be to emphasize the growing awareness of the average member of the Bar to the worthwhileness of a professional status. [ ] felt that this is a very worthy theme and that it would tie in very closely with the efforts of the Director over the years to raise the status of law enforcement to a profession. I told [ ] that I was sure the Director would give any such request his careful consideration at such time that it might be received.

RECOMMENDATIONS:

1. That this memorandum be referred to the Crime Records Division for preparation of an appropriate letter to Mr. Joseph D. Stecher, Executive Director, ABA, 1155 East 60th Street, Chicago, Illinois, thanking him for the kind remarks conveyed through [ ] and appropriately declining the invitation to address the ABA Headquarters Staff in view of the uncertainty of the Director's commitments. [ ] indicated that any letter sent by the Director in connection with this matter should be addressed to Stecher.

*Yes.*  
*JK*

*HW*

2. That no action be taken on the matter of the dedication publication until such time as a request is received.

*OK.*

*HW*

HENRY GOODPASTURE  
WM. F. CARPENTER  
JAMES C. DALE, JR.  
WM. H. WOODS

WIRT COURTNEY, JR.  
WM. F. CARPENTER, JR.  
LEON JORDAN

LAW OFFICES  
URE, CARPENTER, DA  
SIXTH FLOOR, AMERICAN TRUST  
NASHVILLE 3, TENNESSEE

April 7, 1961

Mr. Tolson	_____
Mr. Parsons	_____
Mr. Mohr	_____
Mr. Belmont	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Malone	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Trotter	_____
Mr. W.C. Sullivan	_____
Tele. Room	_____
Mr. Ingram	_____
Miss Gandy	_____

Honorable E. Dixie Beggs  
Chairman, Special Committee  
American Bar Association  
700 Brent Annex  
Pensacola, Florida

Dear Mr. Beggs:

I note with interest that the House of Delegates of the American Bar Association adopted a resolution in February recommending that steps be taken to provide more adequate instruction for the youth of America in our schools and colleges on the history, doctrines, objectives and techniques of Communism. For the purpose of implementing the resolution, a special committee of seven were named with yourself as chairman.

In this connection it occurs to me that it might be feasible to prepare in as brief form as proper coverage of the subject matter will allow, a pamphlet or series of pamphlets designed for use by persons desiring to present this subject matter to classes or groups in schools and elsewhere. With some of the expert assistance available in Washington, I believe that such pamphlet or pamphlets could be prepared in simple, concise and emphatic language so as to be readily presented and easily understood. With this available material, you would have no difficulty in obtaining the assistance of many lawyers to present this subject matter in the public schools and colleges of America.

I am sending a copy of this letter to the Honorable Francis E. Walter, Chairman of the Committee on UnAmerican Activities of the House, and to the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation. I believe that these gentlemen are deeply concerned with the making of properly conducted instruction in this field as widely available as possible.

REC- 95

APR 14 1961

56 APR 19 1961

APR 10 1961

Honorable E. Dixie Beggs  
April 7, 1961  
Page 2

I trust that you will not consider me presumptuous in writing  
you about this matter.

Sincerely,



b6  
b7C

JCDJr/b

cc:Honorable Francis E. Walter  
Chairman, Committee on UnAmerican Activities  
House of Representatives  
Washington, D. C.

cc:Honorable J. Edgar Hoover ✓  
Director of Federal Bureau of Investigation  
Washington, D. C.

cc:Honorable J. Carlton Loser  
Member of Congress  
Washington, D. C.

C  
O  
P  
Y

REC-9

April 14, 1961

[Redacted]  
Attorney at Law  
James Building  
Chattanooga 2, Tennessee

Dear [Redacted]:

Inspector H. Lynn Edwards has brought to my attention your letter of March 31, 1961, regarding textbooks on the subject of communism which might be suitable for use in high schools and colleges, and I certainly appreciate the thought which prompted you to write.

I regret that, as a matter of long-standing policy, I am unable to recommend or make evaluations of textual material for school curricula. You may, however, be interested to know that my book, "Masters of Deceit," was designed as a primer to explain communism, its nature, tactics and ways in which it may be combated. This book is available at reduced prices when purchased in quantities, and you may wish to contact the publisher, Holt, Rinehart and Winston, Inc., 383 Madison Avenue, New York 17, New York, for further information in this regard. I am forwarding you under separate cover some material on the subject of communism.

MAILED 31

APR 14 1961

COMM-FBI

Sincerely yours,

J. Edgar Hoover

- 1 - Mr. W. C. Sullivan - Room 7627  
1 - Mr. H. Lynn Edwards - Room 5254  
1 - Mr. Jones  
USC Material

Communist Illusion and Democratic Reality  
What You Can Do To Fight Communism  
One Nation's Response To Communism  
Introduction to LEB March, 1960

Communism: The Bitter  
Enemy of Religion  
The Communist Menace:  
Red Goals and Christian  
Ideals

Tolson \_\_\_\_\_  
Parsons \_\_\_\_\_  
Mohr \_\_\_\_\_  
Belmont \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Rm. \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

MAIL ROOM ☐ TELETYPE UNIT ☐

JVA:ds (5) See Note next page.

[redacted]

**NOTE:** [redacted] is on the Special Correspondents' List. [redacted]  
[redacted] who is an attorney from Chattanooga, Tennessee, and who  
is the section delegate of the Family Law Section to the House of  
Delegates of the American Bar Association, has been most cooperative  
with Inspector H. L. Edwards, who has liaison responsibilities with  
the ABA. [redacted] has been an advocate of the Director's views on  
juvenile delinquency and has done much to disseminate these views  
among the members of the Family Law Section of the ABA. There is  
nothing derogatory concerning [redacted] in Bureau files. b6 b7c

Based on memo J. F. Malone to Mr. Mohr, dated 4-7-61,  
re: [redacted] Chattanooga, Tennessee, American Bar  
Association. (ABA).

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Mohr

DATE: 4/7/61

FROM : J. F. Malone

SUBJECT: [REDACTED]

CHATTANOOGA, TENNESSEE  
AMERICAN BAR ASSOCIATION (ABA)

Tolson \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
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 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

By letter dated March 31, 1961, [REDACTED] attorney from Chattanooga, Tennessee, and an extremely active member of the ABA, requested information concerning possible text material for a course of the public schools on communism, its strategy and techniques. [REDACTED] was formerly the Chairman of the Family Law Section and is presently a Family Law Section delegate to the House of Delegates of the ABA. [REDACTED] has been most cooperative with Inspector H. L. Edwards and has been an advocate of the Director's views pertaining to juvenile delinquency. [REDACTED] while Chairman of the Family Law Section, did his utmost to aid the Bureau in disseminating the viewpoints of the Director on juvenile delinquency to other members of the Family Law Section. Bureau indices pertaining to [REDACTED] have been reviewed and nothing derogatory was disclosed.

b6  
b7C

Pursuant to your instructions that in view of our retrenchment on Communist Party material that we should decline to furnish the requested information to [REDACTED] there is attached a letter to [REDACTED] over the Director's signature declining to furnish the requested information.

RECOMMENDATION:

That the attached letter be approved for transmittal to [REDACTED].

ADDENDUM: JWA:DGS 4/12/61 The Crime Records Division feels that we should mention "Masters of Deceit" to him as it has been used as a textbook in a number of schools throughout the country. Accordingly it is recommended that attached letter be sent [REDACTED] so advising him.

b6  
b7C

Enclosure sent 4-14-61  
 1 - Mr. DeLoach  
 1 - Mr. W. C. Sullivan  
 TDW:mgj  
 (4)

55 APR 21 1961

REC-31

EX-139

APR 17 1961



America

AMERICAN B

ATION

1155 EAST SIXTIETH STREET CHICAGO 37 • ILLINOIS

Telephone HYde Park 3-0533

WHITNEY NORTH SEYMOUR  
President

JOHN C. SATTERFIELD  
President-Elect

OSMER C. FITTS  
Chairman of House of Delegates

GLENN M. COULTER  
Treasurer

JOSEPH D. CALHOUN  
Secretary

JOSEPH D. STECHER  
Executive Director

Mr. Tolson  
Mr. Parsons  
Mr. Mohr  
Mr. Belmont  
Mr. Callahan  
Mr. Conrad  
Mr. DeLoach  
Mr. Evans  
Mr. Malone  
Mr. Rosen  
Mr. Tavel  
Mr. Trotter  
Mr. W.C. Sullivan  
Tele. Room  
Mr. Ingram  
Miss Gandy

April 18, 1961

Honorable J. Edgar Hoover, Director  
Federal Bureau of Investigation  
United States Department of Justice  
Washington, D. C.

Dear Mr. Hoover:

I sincerely appreciate your most gracious letter of April 13 in response to the invitation which [redacted] extended in my behalf to you to address the members of the American Bar Association staff when you are next in Chicago. I fully understand that you have a great many official commitments, and I certainly would not want to impose on them in any way. It simply occurred to me that you might occasionally visit your Chicago office, in which event there might be an opportunity to visit also the American Bar Center.

You will find in the May issue of the American Bar Association Journal an article on the American Bar Center which I am certain will be of interest. It reports on the completion of the new addition last week and, also, on the rapid growth of our membership.

I know you will keep us in mind if your schedule permits you to visit us at some time in the future.

Sincerely yours,

*Joseph D. Stecher*

Executive Director

Joseph D. Stecher

JDS/gp

63 APR 26 1961

EXP. PROC.

APR 19 1961

UNITED STATES GOVERNMENT

# Memora1

TO : Mr. Malone

DATE: **April 20, 1961**

FROM : H. L. Edwards

SUBJECT: JOHN C. SATTERFIELD, PRESIDENT-ELECT,  
AMERICAN BAR ASSOCIATION.  
REQUEST TO CONFER WITH DIRECTOR,  
4/26 OR 4/27/61, RE SPECIAL COMMITTEE ON  
COMMUNIST TACTICS, STRATEGY AND OBJECTIVES

John C. Satterfield, President-Elect of the American Bar Association, has advised me he plans on being in Washington April 26 and 27, 1961, on other business and he hopes it will be possible to confer with the Director at the Director's convenience in connection with plans for next year regarding the Special Committee on Communist Tactics, Strategy and Objectives. Satterfield indicated he has already made a tentative engagement with Associate Supreme Court Justice Tom Clark at 11 A. M., April 26, in view of which either the afternoon of April 26 or any time April 27, would be preferable. He stated he could, however, come to Washington earlier on the 26th if the Director would be available for appointment prior to 11 A. M.

At this point, I frankly do not see where any useful purpose could be served in the Director's conferring with Satterfield. His tentative plans for the Special Committee on Communist Tactics, Strategy and Objectives are already fairly well formulated, and at the Director's instructions Messrs. DeLoach and Edwards have already conferred with Cincinnati SAC contact,

Perhaps at some later date, when we know more about their plans and proposed action, the Director might want to confer with both Satterfield and [redacted]. However, at this time, in view of the Director's extremely heavy schedule commitments, I feel the Director's time should not be imposed upon.

APR 27 1961

**RECOMMENDATION:**

That I be authorized to advise Satterfield that I have checked the Director's schedule and, unfortunately, he will not be available during any the time indicated by Satterfield.

57 APR 28 1984

1 - Mr. DeLoach  
1 - Mr. Belmont

HLE:hcv  
(4)

Tolson \_\_\_\_\_  
Parsons \_\_\_\_\_  
Mohr \_\_\_\_\_  
Belmont \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

EX-116

REC-7 94-1-369-152

b6  
b7C  
b7D

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone

DATE: April 17, 1961

FROM : H. L. Edwards

SUBJECT: JOHN C. SATTERFIELD  
 PRESIDENT-ELECT  
 AMERICAN BAR ASSOCIATION  
 SCHEDULED SPEECH ON  
 "WORLD PEACE THROUGH LAW"  
 COSTA RICA, JUNE 9-14, 1961

Tolson \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

Reference is made to my memorandum of 4/11/61, on the basis of which the Director approved the Bureau's reviewing a roughdraft of a proposed speech which President-Elect John C. Satterfield of the American Bar Association is scheduled to make at Costa Rica sometime between June 9 and 14, 1961, at the conference on World Peace Through Law. This review, of course, is to be on a strictly confidential and "off the record" basis for the purpose of giving Satterfield the benefit of any observations or views the Bureau might desire.

I orally related to Satterfield the fact that we would look this speech over. By cover note of April 14, 1961, he enclosed a draft of the speech. Satterfield indicated he would appreciate having this draft returned to him with any pertinent comments no later than April 25, 1961.

RECOMMENDATION:

That this draft be reviewed by the Crime Records and Domestic Intelligence Divisions and that any views or suggested changes or additions be transmitted to me, after final approval, so that I can relay them confidentially to Satterfield.

## Enclosure

1 - Mr. DeLoach (Encl.)  
 1 - Mr. Belmont (Encl.)  
 HLE:hcv  
 (4)

ENCLOSURE ATTACHED

ENCLOSURE

62 MAY 5 1961

MAY 1 1961 XEROX

REC-72

94-1-368

1522

94-53468

UNRECORDED COPY FILED IN

APR 28 1961

ENCLOSURE

74-1-367-#522

ENCLOSURE

DRAFT SPEECH

To Be Delivered

At

San Jose, Costa Rica

John C. Satterfield

Mr. President, Mr. Chief Justice, delegates and honored guests, ladies and gentlemen: We are greatly honored and privileged to be here in Costa Rica for this first Continental Conference of lawyers of the Western Hemisphere, and the warmth and hospitality of our gracious hosts sets an atmosphere which assures a successful meeting.

No more appropriate site could have been chosen for this Conference on the international rule of law than San Jose. The first international court, the Central American Court of Justice, sat in this city, and its experience set a valuable precedent and formed the foundation for later developments, such as the Permanent Court of International Justice.

Costa Rica is a nation having a long tradition of respect for human rights and democratic principles and institutions, and is able to boast of having more school teachers than soldiers and of an exemplary history of peaceful progress under the rule of law.

That the first meeting of lawyers in this series of continental conferences should be convened in Latin America is also most appropriate, for this area has given the world such outstanding names as Bello, Calvo, Bustamante, Recasens Siches, and many other influential thinkers and writers on international law. Four distinguished jurists from Latin America are currently at the Hague on the International Court of Justice.

One of the greatest periods of growth of international arbitration occurred in Latin America during the 19th and early part of the 20th centuries. The decisions rendered form a valuable source of international jurisprudence.

Indeed, one of the favorable consequences of these Continental Conferences will be the acquisition of a much wider knowledge of the valuable sources of international law such as are illustrated by the aforementioned outstanding names, as well as an increased knowledge of the works and contribution to international law made by distinguished jurists and lawyers from other areas of the world. The great principles at the root of international law are universal, being derived from ancient as well as modern civilizations.

A fact which is too often forgotten is that one of the most important sources of international law cited in the Statute of the International Court of Justice, is the "general principles of international law recognized by civilized nations." The great traditions and principles of Islamic, Hindu, Chinese, Japanese and other important legal systems are thus a valuable source of international law, as well as the Romanist, Common, Scandinavian and Socialist systems. If, from those traditions a common core of principles can be derived upon which all nations could agree, new

studies towards the international rule of law could be taken.

In discussing current problems of international law, too much emphasis cannot be placed on the vastly different nature of the world of 1961 from that of 1946. The United Nations has doubled in size, nuclear energy and technology developed, creation of a new space science and untold material resources tapped. Rapid technological and international political change is releasing powerful new forces. Uncertainty concerning the direction and consequences of these forces causes grave concern. The nationalism of newly independent nations asserting their sovereignty, rising expectations of a greater share of the material wealth of the world and of greater individual freedom, are placing enormous new demands on international society.

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Although the basic principles of international law are based upon or find support in the fundamental ideas of many systems of law, they and the rules based upon them are being re-examined to see if they are adequate to meet the fresh demands of a re-constituted international society. Demands for an international legal regime which will protect the freedom of the individual and permit an equitable distribution of the earth's riches are legitimate. However, to meet these demands, great international advances are necessary--politically, economically and in the field of

international law. The interrelationship of these three factors should be understood and emphasized. Steady economic and political advance are impossible without an adequate legal framework. Political freedom, to be meaningful, requires a minimum standard of economic well-being; freedom is irrelevant to a starving man. But economic advancement is impossible with the absence of a legal structure encouraging and protecting the institutions essential to material progress, and assuring an equitable distribution of wealth.

It is difficult for lawyers, who have found an effective alternative to power and force as the basis for an organization of domestic society, to concede that a similar realm of order and tranquility on the international plane is not possible through utilization of the principles, procedures and institutions of law. Lawyers should therefore agree unanimously on one thing at the outset--the absolute necessity of the international rule of law.

Faced with the potentiality of devastation by atomic war if no way is found in which the legitimate aspirations of nations can be realized, and differences peacefully resolved when these aspirations conflict, lawyers have an obligation to apply their talents and ingenuity to create on the international scene a legal framework similar to that which has been

demonstrated to be effective on the domestic level. Lawyers cannot accept the view that policy is no concern of theirs, that they have only to furnish the justifications for the decisions of others. The lawyers' allegiance is to an evolving legal structure meeting the constant demands of an always changing society composed of a variety of differing political and economic interests. Now for the first time in history lawyers from all nations are meeting in a world-wide series of conferences to discuss the international rule of law. We cannot let this opportunity for constructive action pass us by. Our problem here is to elicit from the lawyers of the world, and from leaders on every level and from every field of endeavor, creative affirmative performances to achieve new forms and solutions to meet the many problems created during this period of dynamic change.

In this short address I will attempt briefly to appraise the nature and function of the international rule of law, and to examine the current status of international affairs in the light of these factors. I shall then attempt to indicate where opportunities for progress in the development of international law exist.

As a starting point for such an endeavor, agreement concerning the function of international law in the pragmatic sense should be reached.

Once this is attained, then efforts to find means of realizing these functions can be commenced.

I would submit that the function of law is to create where possible conditions in which the organized community can perform properly its role of allowing man to develop his potentialities to the fullest in freedom. The prerequisite conditions are maintenance of peace and order, protection of personal liberty, the regulation of economic activity in the common interest, the just settlement of conflicting claims, and provision of a framework for orderly social, economic and political evolution by the people. It is for these purposes that governments under law are created.

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If these are the functions or role of law, the means by which they are fulfilled are through a body of rules for human conduct representing the common consent of the community, and enforced through institutions and procedures authorized and created by the community. This we may call the rule of law. It should reflect a consensus of the community as to what are right and just means to secure its legitimate aims, and therefore represent the best in human nature. It is the "range of presuppositions on which government is conducted--not the technical doctrine of judicial authority."

The rule of law involves a composite of the mundane everyday actions of individuals. The passing of property by inheritance according to prescribed rules, the adjustment of claims presented by one against another for personal injuries, the interpretation of a myriad of contracts, the adjustment of marital relations, the submission to police regulations, the freedom of conscience, the right to vote, to speak and to assemble, protection from false advertising and criminals, in short, the composite of rules and institutions which assure the individual members of a society that their relations with their government and fellow man will be clearly defined, and in cases where disputes arise, adjusted in accordance with basic principles of justice and equity honored from time immemorial.

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These and hundreds more form the legal framework making a productive and meaningful life possible within a well-ordered society. The international rule of law is similarly a composite of the elements of everyday life of both the state and of individuals within the state. Popular emphasis has been placed on international crises, and failure of law to resolve disputes constituting a threat to the peace. However, greater attention placed on the less sensational everyday functions of law in the ordinary business of the international community involving shipping, diplomatic relations, international trade, mail delivery, and other aspects

of daily human activity could be far more valuable in moving the world closer to the international rule of law.

When we advocate the extension of the rule of law to the international plane, we intend essentially a regime in which guarantees are provided for states and obligations placed on them for the ultimate benefit of all. The rule of law also includes regulation on an international basis to permit orderly development over the wide range of economic, social, political and technological problems. Increasingly, this regulation is on the basis of particular subject matters of common concern or in geographical areas sharing common interests. In these areas of growing awareness of problems shared and the necessity for cooperation in their solution, the consensus essential to the establishment of the rule of law are possible.

The elements of the rule of law are previously known rules, standards and principles, binding on all parties and members of society, created by the constituents, ascertained by an independent judiciary, and enforced by an agency created by society and itself subject to law.

At present an independent judiciary, and previously known rules, standards and principles exist. Yet in the international field, the degree to which the rule of law has been established is clearly in-

sufficient for the demands of the contemporary international community. This will indicate the inadequacy of purely institutional or mechanical solutions to the problem of the development of the international rule of law. Essential to further progress is an understanding of why this is so.

To this end, I would like to submit for your consideration two elements of the rule of law which must be emphasized. These are that no law can ever survive unless it is based on community consent, and no law will ever retain community consent unless it provides means for orderly amendment to accommodate rapid changes in environment, a factor constantly growing in importance as the technological and political revolution of which we are a part increases in its tempo.

Principles and customs of international law to have authority must be based on that consent of the governed which is essential to the effective development of all law. Therefore the ideas and concepts of all systems of law, including systems newly represented in the family of nations, must play an important part in a revised international legal structure.

Community consent will be forthcoming when laws are constructively designed to permit human beings to fulfill the best of

which they are capable. A law so based permits its subjects to feel they are identified with the law giving authority, an essential factor in the maintenance of the rule of law. There must be public confidence that the law will permit a just solution to disputes.

It must be kept in mind that the constituents of the international rule of law are endlessly varied, and properly possess different views and philosophies. Therefore the consensus upon which the law is to be based must represent the ultimate conclusions common to a variety of philosophies regarding the basic needs of people the world over, and can attempt to embrace no one philosophical or political viewpoint, but only basic concepts of rationality and justice agreed upon by peoples of differing political and philosophical beliefs. Without such a consensus, the laws will be ineffectual and difficult if not impossible.

Necessary to the formation of a respectable public consensus are educated constituents. Not only the laymen, but also members of our profession must have knowledge of what international law has been, and what it can reasonably expect to become. This is not a dramatic program; indeed, if it were over-dramatized and false hopes raised there would be great danger of disillusionment and rejection of what ultimately may be the only solution to enduring peace. In international

affairs attention is focused on the great crises such as those posed in the Congo or Berlin, rather than the day to day practice of adhering to prescribed rules of international law, just as in domestic societies the layman ignores the quiet "behind the scenes rule played by law and lawyers in preserving tranquility in the society," yet is aroused by the sensational trial of a master criminal, or the divorce of a celebrity.

We must therefore educate as to the role international law can play not only in resolving the great political issues which divide nations, but also in progress in the more mundane aspects of the law. Recent developments of international law, as the Working Paper indicates, show the current trend in international law to be away from formal interstate relationships, and towards specific areas of common concern on which agreement can be reached on substantive rules, such as in international trade and economic development. Solution of concrete problems enabling the international community to move ahead on matters of common concern vital to progress can be a particularly fruitful area in which the rule of law may be developed on an international scale.

For example, in the recently concluded Antarctic Agreement philosophical and ideological differences of the parties were submerged to permit the establishment of a legal regime which has relieved tensions

and given the parties engaged in exploration there a secure framework for endeavors for scientific advancements for the benefit of mankind. Our goal similarly should be to tap the creative process of lawyers in a pragmatic approach to specific problems.

For just a moment I would like to point to one revealing symbol of the state of international law today which helps indicate the extent of the task before us. The UN Charter primarily concerns itself with disputes likely to upset the peace. The Charter, while trying to create a framework in which the rule of law can be maintained, does not provide for the operation itself of the rule of law.

Traditionally, nations feeling themselves wronged, relied on self-help to secure what they believed to be their rights. Now, however, with the UN properly denying nations the right to self-help, and yet failing to replace it with an obligatory means of resolving international disputes, a nation suffering injustice is in effect denied a remedy. This is an intolerable situation. For it is asking the impossible of human nature to expect that an aggrieved party will not take the law (as he feels it to be) into his own hands if the community provides no means of enforcement of the law. Thus wars begin.

There is therefore an imperative need to find a consensus on

the basis of which as many disputes as possible can be adjudicated.

Once a consensus is determined in a particular area of international relations which takes into consideration the views of all interested nations, it will be possible to submit disputes to compulsory third party adjudication, and to give a law enforcement authority the limited powers necessary to give effect to the resultant judgments.

Finally a word of caution is necessary concerning concepts of sovereignty. To make this point an analogy to domestic law may be drawn. Within nations, citizens create governments to protect certain guaranteed rights whose basis is a conception of the nature of man. These rights safeguard the citizen and allow him to evolve a dynamic society capable of permitting him to lead a meaningful life in freedom without undue interference from other members of society. While law may be perverted to protect the status quo and frustrate development, such instances occur primarily in cases in which the law does not truly reflect a consensus of its constituents. That a truly responsive law will be a vehicle for peaceful change is indicated by many examples such as Mexico and India, nations that have in recent years seen rapid development over a wide range carried out within a legal framework enabling the citizens to work out their own destiny without surrendering their

individual rights or identity.

However, never to be overlooked is the social responsibility of the citizen. As the source of the law he has a grave responsibility; and while beneficiary of certain rights under the law, he has obligations to other members of his society not to infringe their rights, and to conduct his life in a way which will not demean his status as a human entitled to the respect and freedom he expects to receive from others.

Similarly, states demanding rights as equal members of the international community must remember that rights are received only as obligations are undertaken, and that the invaluable freedom necessary for development of the particular state depends upon reciprocal respect for the freedom of other states, and on that freedom not being used to deny the individual his fundamental rights. Absolute sovereignty of the state is similar to absolute freedom for the individual. In both instances the result is anarchy, chaos and destruction. New states, jealous of their recently acquired independence, as well as old states jealous of their power, each would do well to remember this, and consider that in today's small world a nuclear war can arise as easily over differences between small states as between large.

The basic concept must be understood and accepted that the actions of states which affect the welfare of other nations, is limited

by international law. Since I have already stated my belief that the basis of international law must be a consensus, then to a degree our tasks become clear.

We should, I submit, conceive of our work as being on two interrelated levels. On the higher level we must ascertain the self-evident, basic and immutable ideas which we agree are common to us and on which international law is founded, and draw from them a set of principles upon which rules of law may be developed to delimit and define the legitimate actions of states. Otherwise the rights guaranteed will be at the sufferance of the strong. Such a set of principles, if it reflects feelings that are basic to every culture, can be the foundation for a consensus of the world community essential to the creation of an appropriate institutional framework for enforcement of international law.

On the immediately practical level we must seek ways in which concrete solutions to particular problems can be found to advance the world toward greater cooperation in a joint effort to achieve political, economic and legal progress.

To the extent that success is realized on this practical level, and the world is consequently drawn closer together through shared

endeavors to resolve matters of common concern, the common understanding fundamental to a broader consensus on general principles should become more attainable. And to the extent that a consensus is reached on basic principles a foundation will exist for the solution of particular problems.

One of the most frightening characteristics of our modern society is its apathy and cynicism with regard to the great issues which are a constant source of conflict between nations, and its fatalistic and resigned attitude towards the prospect of war. Too often we hear --"There has always been war, there will always be war." At risk of being over-dramatic, I ask--What more can be said, what evidence must be presented, what can possibly be done to demonstrate that the next war will be the end of civilization as we know it? That this is not a remote prospect, but an immediate threat?

World Peace Through Law is not a slogan of visionaries and idealists; it is the objective of the realist. It is the program of all those interested in a life free of fear, in a life dedicated to the development of the individual rather than his destruction, and in a life with the advantages of economic progress, rather than the poverty of economic waste. What is more realistic and practical than the desire to survive?

What effort is more worthwhile than that of mobilization for peace,  
rather than for war?

There is no greater danger than that of universal apathy and  
cynicism. It must be our great task, our overwhelming responsibility  
as lawyers dedicated to the rule of law, to remove that apathy which  
stifles hopes for progress, and to initiate a program designed to  
achieve our common objectives.

In summary then, I have attempted to show that the function  
of law is to serve as a means of creating conditions in the community  
to the end that man may develop his potential to the maximum of which  
he is capable; that this is achieved through the rule of law, by which  
peace and order are maintained through settlement of conflicts in  
accordance with the basic feelings of justice of the members of society;  
that obedience to and enforcement of law is only possible when the  
source of the law is a consensus of its constituents, reflecting the best  
in their nature, and when it serves as a vehicle for orderly change within  
a moral framework.

This Conference should therefore undertake its task dedicated not  
to any particular legal, political or economic philosophy or doctrine,  
but to securing justice among nations in order that man may attain to  
the highest good of which he is capable.

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. A. H. Belmont *Bar*DATE: April 24, 1961 *Malone*FROM : W. C. Sullivan *WCS*

SUBJECT: JOHN C. SATTERFIELD  
 PRESIDENT-ELECT  
 AMERICAN BAR ASSOCIATION  
 SCHEDULED SPEECH ON  
 "WORLD PEACE THROUGH LAW"  
 COSTA RICA, JUNE 9-14, 1961

Tolson \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone ☒  
 Rosen \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

Reference is made to the memorandum from Mr. H. L. Edwards to Mr. Malone dated April 17, 1961, captioned as above, which recommended that the Domestic Intelligence Division review Satterfield's proposed speech.

The speech was reviewed by the Central Research Section, and it was noted that in the last paragraph on page 2, the "Socialist systems" are described as "a valuable source of international law." Since the term "socialist" has so many different meanings to different people and could be interpreted to include the communist nations, it is suggested that Mr. Edwards may wish to call this point to Satterfield's attention.

RECOMMENDATION:

It is recommended that this memorandum and the enclosed speech be returned to Mr. Edwards.

Enclosure

JFC:meh  
 (5)

- 1 - Mr. Edwards  
 1 - Mr. Belmont  
 1 - Section tickler  
 1 - J. F. Condon

ENCLOSURE

XEROX  
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REC-71

94-1-369-1523  
 Memo to Mr. Malone  
 4/25/61  
 HEC/wmj

APR 28 1961

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UNITED STATES GOVERNMENT

## Memorandum

Tolson \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
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 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

TO : Mr. DeLoach

DATE: 4-19-61

FROM : M. A. Jones

my SUBJECT: PROPOSED SPEECH OF  
 JOHN C. SATTERFIELD  
 IN COSTA RICA IN JUNE, 1961

By memorandum dated April 17, 1961, H. L. Edwards recommended that the Crime Records Division, as well as the Domestic Intelligence Division, review the proposed speech of President-elect John C. Satterfield of the American Bar Association to be given in Costa Rica this June at the conference on World Peace Through Law. Inspector Edwards also recommended that any views or suggestions of our Division be transmitted to him, after final approval, so that he could relay them in confidence to Satterfield.

ACTION:

Review of Satterfield's speech in the Crime Research Section discloses that it is very "heavy," reflects deep thought, and deals with matters more within the province of the State Department and the White House than the FBI. His basic theme is that there is a vital need for a workable and binding system of international law.

RECOMMENDATION:

In view of the fact that this speech deals primarily with matters within the scope of the State Department and the Administration, that Satterfield be advised the Bureau has no suggestions or revisions to offer.

1 - H. L. Edwards

GWG:par

(5)

for  
 L. J. [unclear]  
 [unclear]

Memo 4/25/61  
 HLE/wmj

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 149 MAY 1 1961  
 APR 28 1961

Two [unclear]  
 [unclear]

94-1-369-27  
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62 MAY 5 1961

UNITED STATES GOV

*Memorandum*

TO : MR. MALONE

DATE: ~~April~~ April 25, 1961

FROM : MR. H. L. EDWARDS

**SUBJECT: JOHN C. SATTERFIELD  
PRESIDENT-ELECT  
AMERICAN BAR ASSOCIATION  
SCHEDULED SPEECH ON "WORLD  
PEACE THROUGH LAW"  
COSTA RICA, JUNE 9-14, 1961**

Tolson \_\_\_\_\_  
Parsons \_\_\_\_\_  
Mohr \_\_\_\_\_  
Belmont \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone ✓ \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Pursuant to the Director's prior approval, the Crime Records and Domestic Intelligence Divisions reviewed the manuscript of Satterfield's proposed speech to be given in Costa Rica this June at the Conference on World Peace Through Law.

Crime Records Division commented, "It is very 'heavy,' reflects deep thought, and deals with matters more within the province of the State Department and the White House than the FBI. His basic theme is that there is a vital need for a workable and binding system of international law." They recommended Satterfield be advised the Bureau has no suggestions or revisions to offer.

Mr. Sullivan's Section in the Domestic Intelligence Division made one comment, namely, that in the last paragraph of the manuscript on page two, the "Socialist systems" are described as "a valuable source of international law"; and since the term "Socialist" has so many different meanings to different people and could be interpreted to include the Communist nations, they suggested this might be called to Satterfield's attention.

RECOMMENDATION:

**REC- 77**

APR 28 1961

That I be authorized to advise Satterfield that the Bureau has no suggestions or revisions to offer beyond the one observed by the Domestic Intelligence Division. As I had indicated when I first presented this matter for the Director's approval, Satterfield plans also to have this speech reviewed at the State Department and possibly at Central Intelligence Agency.

Satterfield will be in Washington 4/26/61 at which time I will advise him concerning his speech, in the event the above recommendation is approved.

1 - Mr. DeLoac

1. Mr. Belmont

02 MAY 3 1964 (5)

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UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone

DATE: April 11, 1961

FROM : H. L. Edwards

SUBJECT: JOHN C. SATTERFIELD  
 PRESIDENT-ELECT  
 AMERICAN BAR ASSOCIATION  
 SCHEDULED SPEECH ON  
 "WORLD PEACE THROUGH LAW"  
 COSTA RICA, JUNE 9-14, 1961

Malone ☒  
 Belmont ☒  
 Callahan ☒  
 Conrad ☒  
 DeLoach ☒  
 Evans ☒  
 Malone ☒  
 Rosen ☒  
 Tavel ☒  
 Trotter ☒  
 W.C. Sullivan ☒  
 Tele. Room ☒  
 Ingram ☒  
 Gandy ☒

On April 10, 1961, President-Elect of the American Bar Association, John Satterfield, called me. He is in town this week working on a few matters in connection with the ABA. He stated that from June 9 through June 14, 1961, he will be attending an international bar meeting at San Jose, Costa Rica. The theme of this meeting will be "World Peace Through Law." The meeting will be attended by two lawyers from every country from Central and South America who will be representing the respective bar associations of their countries although not official representatives of the countries.

Satterfield stated that he will be representing the United States because of the unavailability of ABA President, Whitney North Seymour. Satterfield will be scheduled to speak from ten to thirty minutes and he said the general theme of his talk will be the promotion of the rule of law rather than the rule of dictatorship or totalitarianism. He said that, of course, his speech, coming as he will be from the United States, will be the subject of interest by all of the communists. He stated that Wednesday morning, 4/12/61, he is scheduled to go over a very roughdraft of his proposed speech with Brooks Hays, Assistant Secretary of State, and with former ABA President, Charles Rhyne, who has been spearheading the world peace through law movement.

Satterfield wondered whether the Bureau would be interested in looking over his manuscript on a strictly confidential and "off the record" basis, giving him benefit of any observations or views that it might desire. Satterfield said that naturally since he will not be down there as an official representative of the United States Government, he realizes that any suggestions the Bureau gives him would have to be strictly confidential. He merely thought that we might have an idea or two which we would like to have

1 - Mr. DeLoach  
 1 - Mr. Belmont  
 HLE:hcv

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Memorandum to Mr. Malone  
Re: John C. Satterfield

put across and he recalled his conversation with the Director wherein he assured the Director that he would be glad in any of his speeches or articles to do some missionary work on behalf of the Bureau.

I told Satterfield it was very thoughtful of him to contact us. He realizes, of course, that Central Intelligence Agency has jurisdiction in foreign countries; nevertheless, Satterfield stated that his speech will deal with the domestic threat of international communism to a great extent. I told Satterfield that I did not know what, if anything, we would be able to do with this matter but that I would do some checking and be in touch with him.

In the meantime, Satterfield stated that he will probably have his roughdraft ready to make available to the Bureau in the event it desires same by late Wednesday afternoon, 4/12/61, or possibly the following morning.

RECOMMENDATION:

That I be advised of the Bureau's desires with regard to Satterfield's request.

*Suggest we do this - JMW  
5/4/11*

*I think OK to look over*

*[Signature]*

*V.*

*[Signature]*

*OK  
[Signature]*

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone

DATE: 4/25/61

FROM : H. L. Edwards

SUBJECT: AMERICAN BAR ASSOCIATION MATTERS

Tolson \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
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 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

Through [redacted] Director of activities, American Bar Association Headquarters, Chicago, arrangements have been made to place the FBI Academy at Quantico, Virginia, on the mailing list for both the "Student Lawyer Journal" and the "ABA Journal." [redacted] stated he was very glad to do this gratuitously. He said "Just as we are better off by knowing as much as possible about the Bureau, we think we are better off when those who attend the Academy have some information about the legal profession."

b6  
b7C

It will be recalled that the Director has had articles in the "ABA Journal" and currently the Director is submitting a series of four articles for the "Student Lawyer Journal" which portray various phases of the Bureau's duties and responsibilities. Two of the four have already been printed and [redacted], who is coordinating this at the American Bar Association and, has been most complimentary of them.

It was thought that by having these two journals placed on the mailing list for Quantico, the new agents, in-service agents and even the NA would be able to see the close connection which exists between the activities and interest of lawyers and the work of the FBI.

ACTION: Information.

1 - Mr. Sloan  
 1 - Mr. DeLoach  
 1 - Administrative Division  
 HLE:pls  
 (5)

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TWO

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UNITED STATES GOVERNMENT

*Memorandum*

TO : MR. MALONE

DATE: May 5, 1961

FROM : MR. H. L. EDWARDS

SUBJECT: LAW AND COURTS IN THE NEWS  
A HANDBOOK

Tolson	_____
Parsons	_____
Mohr	_____
Belmont	_____
Callahan	_____
Conrad	_____
DeLoach	_____
Evans	_____
Malone	_____
Rosen	_____
Tavel	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Ingram	_____
Gandy	_____

For your information I obtained from the American Bar Association several copies of the attached 25-page handbook entitled, "Law and Courts in The News," which the Association recently published as a public service. It is a layman's handbook of court procedures with a glossary of legal terminology.

Special Agent  reviewed this booklet and states that it is an informative, well-written work and that the glossary of legal terms is excellent.

b6  
b7c

Copies of the handbook are being given to our instruction staff for their assistance; and a copy is being designated for the Crime Records Division for its attention and, if of interest, its use.

RECOMMENDATION:

None . . . . informative.

Enclosure

CAD:wmj

(3)

1 - Mr. DeLoach (with enclosure)

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# LAW and COURTS IN THE NEWS

A LAYMAN'S HANDBOOK  
OF COURT PROCEDURES,  
WITH A GLOSSARY OF  
LEGAL TERMINOLOGY

PUBLISHED AS A PUBLIC SERVICE BY THE  
AMERICAN BAR ASSOCIATION

A Layman's Handbook .....

# LAW AND COURTS IN THE NEWS

Prepared by the  
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A Summary Outline of Legal Procedures in Civil  
and Criminal Cases, Together with a Glossary  
of Legal Terms.

Designed for the Information and Guidance of  
Newspaper, Radio and Television News Re-  
porters, Teachers and Students of Journalism,  
and as a Reference Source for Non-Lawyers.

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## INTRODUCTION

### Purposes of the Handbook

PROCESSES OF LAW AND COURTS are baffling and mysterious to many laymen. Frequently these processes are looked upon as "legal red tape."

Yet the so-called red tape operates to safeguard the rights of every citizen. It makes for due process of law which is an integral part of our system of justice, and that system is the greatest bulwark of our free society.

This booklet explains basic processes of court procedure. It traces, chronologically, the steps normally occurring in a civil case and in a criminal case. It does not attempt to deal with all kinds of cases arising in the courts, but only to explain the procedures common to most of them.

It includes a glossary of the most frequently encountered legal terms in an appendix. Also to be found in the appendix are diagrammatic charts of our two judicial systems: the federal, and that of a typical state.

The handbook has been prepared especially for the information and guidance of laymen whose occupations bring them in contact with lawyers, courts and law enforcement agencies. We hope and believe it will be useful to press, radio and television news reporters, to journalism and law schools, to writers, producers and directors, and to public libraries as a source of reference.

The usefulness of the handbook would be impaired by an attempt to include too many details of procedure. However, the Public Relations Committee of the American Bar Association will, upon request, be pleased to extend assistance to writers in reviewing articles, scripts and other material, for accuracy in legal procedure.

Some variations of procedure will be found to exist among the various state courts, and among the federal courts as well. When occasion requires, details of procedure in particular courts, or in special types of litigation, can be supplied by local attorneys or by court officials.

## CIVIL CASES

### How a Lawsuit Begins

COURT ACTIONS fall into two broad categories—civil and criminal. Civil cases are those in which an individual or business or agency of government seeks damages or relief from another individual or business or agency of government; these constitute the great bulk of the cases in the courts. The most common example is the suit for damages arising from an automobile accident. In legal terms this is a *tort* action. A criminal action is one by the state or federal government against an individual charged with committing a crime.

This section deals with an average civil case. Civil actions generally are brought either for breach of a contract (*ex contractu*), or for a wrong (*ex delicto*) or tort.

In the early days of the law, it was found that courts and lawyers were inclined to restrict the scope of legal actions. Thus, if a set of facts did not fit into an established legal "pigeon hole," the client was without remedy even though he had suffered a wrong to his person or property. As a consequence, a new system—*equity*—evolved which provides a remedy where one might not be available at law. Equity covers such matters as preventing the continuance of a wrong (injunction), and compelling the performance of a contract to sell real estate or unique personal property (specific performance). Ordinarily a jury trial cannot be obtained in proceedings in equity.

A person who believes that he has been injured or damaged by another person or business firm consults his lawyer and tells him the facts and circumstances which he believes constitute a cause of legal action. The attorney takes the client's statement, interviews possible witnesses, examines applicable statutes and

court decisions, and endeavors to determine whether the client has a case.

If the attorney concludes the client does have a cause of action, he prepares



and files a *complaint* or *petition* in the proper court. His client is the *plaintiff* and the person or firm against whom the case is filed is the *defendant*.

This constitutes the *caption* of the case. The petition states the facts of the plaintiff's action against the defendant, and sets forth the damages, judgment or other relief sought.

The attorney for the plaintiff also files with the clerk of the court a *praecipe for a summons*. This is a request for the court clerk to issue a *summons* or notice, and to direct the sheriff of the county to serve a copy of it upon the defendant. In some states a *praecipe* is not necessary and the summons is issued as a matter of course. In others the summons may be served in advance of the filing of the petition or complaint. In still others, any person over the age of 21 and not a party to the action, may serve the summons. When the sheriff has served the summons, he returns the original of the summons to the court, with a notation thereon as to whether and, if so, how the defendant was served with the summons. Serving of the summons is the defendant's formal notification of suit. This commences the case. After service the defendant is en-

titled to a certain period of time within which to file his *pleading*, or answer, to the plaintiff's petition.

### Jurisdiction and Venue

The attorney must select the proper county or district in which to file the case. A court has no authority to render a judgment in any case unless it has *jurisdiction* over the person or property involved. This means that the court must be able to exercise control (obtain service of summons) over the defendant, or that the property involved must be located in the county or district under the court's control.

Certain actions are said to be *local*—i.e., they may be brought only in the county where the subject matter of the litigation is located. An example of a local action would be an action for the foreclosure of a mortgage on real estate. Other actions are said to be *transitory*—i.e., they may be brought in any county in any state where the defendant may be found and served with summons. An action for personal injuries is an example of a transitory action.

*Venue* means the county or district where the action is to be tried. Venue may be changed to another county or district upon application or by agreement. Where wide publicity has been given to a case before trial, a change of venue from the county is sometimes sought in an effort to secure jurors who have not formed an opinion as to the facts. Venue also may be changed to serve the convenience of witnesses.

A *change of venue from the judge* usually is granted on application wherein it is claimed that the judge stands in some relation to the parties, attorneys or facts of the case, such as to prevent his being completely unbiased during the trial.

### Preparation for Trial

THE PLAINTIFF AND DEFENDANT, through their respective attorneys, attempt

to marshal all of the pertinent facts bearing upon the case. The defendant may begin his defense by filing certain pleadings, among which may be one or more of the following:



#### *Motion to Quash Service of Summons.*

This places before the court the question of whether or not the defendant has been served with summons as provided by law.

*Motion to Strike.* This motion calls upon the court to rule whether or not the plaintiff's petition contains irrelevant, prejudicial, or other improper matter; if so, the court may order such matter deleted.

*Motion to Make More Definite and Certain.* Such a motion requires the plaintiff to set out the facts of his complaint more specifically, or to describe his injury or damages in greater detail, so that the defendant can answer more precisely.

*Demurrer.* Such a pleading raises the question of whether the plaintiff's petition states a legally sound cause of action against the defendant, even admitting for the purpose of the pleading that all of the facts set out by the plaintiff in his petition are true.

*Answer.* This statement by the defendant denies the allegations in the plaintiff's petition, or admits some and denies others, or admits all and pleads an excuse.

*Cross-petition or Cross-complaint.* This pleading may be filed by the defendant either separately, or as part of his answer.

The cross-petition asks for relief or damages on the part of the defendant against the original plaintiff. When such a step is taken, the plaintiff may then file any of the foregoing motions to the cross-petition, except a motion to quash service of summons.

*Reply.* Either party in the case may file a reply, which constitutes an answer to any new allegations raised by the other party in prior pleadings.

*Note:* A *plea* or *pleading* refers to an answer or other formal document filed in the action. The words should not be used to describe an argument made in court by a lawyer.

*Taking of Depositions.* A *deposition* is an out-of-court statement of a witness under oath, intended for use in court or in preparation for trial. Under prevailing statutes and rules in most jurisdictions, either of the parties in a civil action may take the deposition of the other party, or of any witness. Depositions frequently are necessary to preserve the testimony of important witnesses who cannot appear in court, or who reside in another state or jurisdiction. This might be the testimony of a friendly witness, one whose evidence is considered helpful to the plaintiff or defendant, as the case may be. Or it might involve an adverse witness whose statements are taken, by one side or the other, to ascertain the nature of the evidence he would give if summoned as a witness in the trial.

A state may not compel the presence at a civil trial of a witness who is outside the state, or in some instances, who is in another county of the same state. The procedure when the testimony of such a witness is sought is for the party seeking the testimony to apply to the court in which the case is pending for the issuance of a commission—commonly called *letters rogatory*—directed to an official or attorney in the jurisdiction where the witness is, empowering him to take the witness's deposition and forward it to the court. The deposition may take the form

either of answers to written questions, or of oral examination followed by cross-examination. In some states, it is not necessary to secure the issuance of a commission, but only to serve notice of the taking of the deposition upon opposing attorneys. If a witness is absent from the jurisdiction or is unable to attend the trial in person, his deposition may be read in evidence. If a person who has given a deposition also appears as a witness at the trial, his deposition may be used to attack his credibility, if his oral testimony at the trial is inconsistent with that contained in the deposition.

*Discovery.* In addition to the taking of depositions in an attempt to ascertain the facts upon which another party relies, either party may submit written questions, called *interrogatories*, to the other party and require that such be answered under oath.

Other methods of discovery are: Requiring adverse parties to produce books, records and documents for inspection, to submit to a physical examination, or to admit or deny the genuineness of documents.

### The Pre-Trial Conference



After all of the pleadings of both parties have been filed and the case is *at issue*, many courts then set the case for a pre-trial hearing. At this hearing the attorneys appear, generally without their clients, and in the presence of the judge seek to agree on undisputed facts. These are called *stipulations*; they may include such matters as time and place in the case of an accident, the use of pictures, maps or sketches, and other matters, in-

cluding points of law which the court believes might shorten the actual trial time without infringing upon the rights of either party. Thereupon, the court assigns a specific trial date for the case. Pre-trial procedure, used extensively in the federal district courts, frequently results in the settlement of the case without trial.

## CRIMINAL CASES

### Bringing the Charge

CRIMINAL CHARGES are instituted against an individual in one of two ways: 1) Through an *indictment*, or true bill, voted by a grand jury, or 2) Through the filing of an *information* in court by the prosecuting attorney (sometimes called the county, district or state's attorney), alleging the commission of a crime. In either case the charge must set forth the time, date and place of the alleged criminal act as well as the nature of the charge. In most states, crimes of a serious nature, such as murder or treason, may be charged by indictment only.

### The Grand Jury

The grand jury is a body of citizens (usually 16, but varying in number from state to state) summoned by the court to inquire into crimes committed in the county, or in the case of federal grand juries, in the federal court district. Its proceedings are not only private but secret. However, a witness before a federal grand jury is perfectly free to describe his testimony to anyone he pleases, after he leaves the grand jury room. To this extent such proceedings are not secret.

Although provision for impaneling a grand jury is found in all of the states, in only about half of them does the grand jury function as a regular arm of law enforcement. In the other half, the prosecutor, on his own responsibility, is empowered to make formal accusation of all, or of all but the most serious crimes.

In states where the grand jury is utilized it is convened at regular intervals, or it may be impaneled at special times by the court to consider important cases. The grand jury has broad investigative powers; it may compel the attendance of witnesses, require the taking of oaths, and compel answers to questions and the production of records. Ordinarily, however, the grand jury hears such witnesses as the prosecutor calls before it and considers only the cases presented to it by the prosecutor. Nevertheless, from time to time, a grand jury may undertake inquiries of its own, in effect taking the initiative away from the prosecutor. In common parlance this is known as a "runaway" grand jury.

The grand jury's traditional function is to determine whether information elicited by the prosecutor, or by its own inquiries, is adequate to warrant the return of an indictment or true bill charging a person or persons with a particular crime. If it concludes that the evidence does not warrant a formal charge, it may return a *no bill*.

In several states, powers of investigation similar to those of the grand jury are conferred by law upon a single officer—in every case a judicial officer or a deputy appointed by him—a practice giving rise to the familiar but imprecise phrase "one man grand jury."

### Arrest

When an indictment is returned by a grand jury, or an information filed by the prosecuting attorney, the Clerk of the Court issues a *warrant* for the arrest of the person charged, if he has not already been arrested and taken into custody. The law usually requires that in a *felony* case (generally, a crime for which a person may be confined in the penitentiary—therefore graver in nature than a  *misdemeanor*) the defendant must promptly be brought before a magistrate or justice of the peace (in federal cases, the U. S. Commissioner) and be permitted to post

bond in order to secure release from custody, and either request or waive a *preliminary hearing*. In most states, however, persons charged with murder are not eligible for release on a bail bond.

Many jurisdictions permit law enforcement officials to hold a person without formal charge up to 24 hours for purposes of investigation. But he may not be held for an unreasonable length of time unless a criminal charge is filed. In addition, the defendant formally charged with a crime is entitled to an attorney at all times. If he is unable to procure an attorney and if he requests counsel, the court will appoint an attorney to represent him, without cost to him.

### The Preliminary Hearing

If the individual charged with a crime requests a preliminary hearing before a magistrate, the court will set a hearing within a reasonably short time. At the hearing the state must present sufficient evidence to convince the magistrate there is reason to believe the defendant has committed the crime with which he is charged. The defendant must be present at this hearing, but he may or may not present evidence on his own behalf.

If the magistrate believes the evidence justifies it, he will order the defendant *bound over* for trial in the proper court—i.e., placed under bond for appearance at trial, or held in jail if the charge involved is not a bailable offense, or if the defendant is unable to post bond. On the other hand, the magistrate may dismiss the charge and order the defendant released if he concludes the state has failed to produce sufficient evidence in the preliminary hearing.

In most instances a criminal case is placed on the court's calendar for *arraignment*. On the date fixed, the accused appears, the indictment or information is read to him, his rights are explained by the judge, and he is asked whether he pleads *guilty* or *not guilty* to the charge. If he pleads not guilty, his

case will be set later for trial; if he pleads guilty, it ordinarily will be set later for sentencing. In cases of minor offenses, sentences may be imposed immediately. But in some states, arraignment and plea are separate proceedings, held on different days.

### Preparation for Trial

As in civil cases, very careful preparation on the part of the state and the defense precedes the trial. However, the defense may first enter a motion challenging the jurisdiction of the court over the particular offense involved, or over the particular defendant. The defense attorney also may file a demurrer, or motion for dismissal, as in a civil suit. In preparing for trial, attorneys for both sides will interview prospective witnesses, and if deemed necessary, secure expert evidence, and gather testimony concerning ballistics, chemical tests, casts, and other similar data.

## THE TRIAL — CIVIL OR CRIMINAL

While in detail there are minor differences in trial procedure between civil and criminal cases, the basic pattern in the courtroom is the same. Consequently, this section treats the trial steps collectively.

### Officers of the Court

The *Judge* is, of course, the officer who is either elected or appointed to preside over the court. If the case is to be tried before a jury, the judge rules upon points of law dealing with trial procedure, presentation of the evidence and the law of the case. If the case is tried before the judge alone, he will determine the facts in addition to performing the aforementioned duties.

The *court clerk* is an officer of the court, also either elected or appointed, who at the beginning of the trial, upon the judge's instruction, gives the entire

panel of prospective jurors (*veniremen*) an oath. By this oath the venireman promises that if called he will truly answer any question touching upon his qualifications to sit as a juror in the case. Any venireman who is disqualified by law, or has a valid reason to be excused under the law, ordinarily is excused by the judge at this time. A person may be disqualified from jury duty because he is not a resident voter or householder, because of age, hearing defects, or because he has served recently on a jury. Then the court clerk will draw the names of the additional veniremen from a box, and they will take seats in the jury box. After twelve veniremen have been approved as jurors by the judge and the attorneys, the court clerk will administer an oath to the persons so chosen "to well and truly try the cause."

The *bailiff* is an officer of the court whose duties are to keep order in the courtroom, to call the witnesses, and to take charge of the jury, as instructed by the court, at such times as the jury may not be in the courtroom, and particularly when, having received the case, the jury is deliberating upon its decision. It is the duty of the bailiff to see that no one talks with or attempts to influence the jurors in any manner whatsoever.

The *court reporter* has the duty of recording all of the proceedings in the courtroom, including testimony of the witnesses, objections made to evidence by the attorneys and the rulings of the court thereon, and listing and marking for identification any exhibits offered or introduced into evidence. In some states, the clerk of the court has charge of exhibits.

The *attorneys* are officers of the court whose duties are to represent their respective clients and present the evidence on their behalf, to the end that the jury or the judge may reach a just verdict or decision.

The role of the attorney is sometimes misunderstood, particularly in criminal

proceedings. Our system of criminal jurisprudence presumes every defendant to be innocent until proved guilty beyond a *reasonable doubt*. Every defendant is entitled to be represented by legal counsel, regardless of the unpopularity of his cause. This is a constitutional safeguard. It is entirely ethical for an attorney to represent a defendant whom the community may assume to be guilty. The defendant is entitled to every protection which the law affords him.

One of the Canons of Professional Ethics of the American Bar Association provides that: "It is the right of the lawyer to undertake the defense of persons accused of crime, regardless of his personal opinion of the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense."

The significance of the provision is clear: Every defendant is entitled to counsel in order that he be protected from conviction on insufficient evidence.

### The Jury List

The trial jury in either a civil or criminal case is called a *petit jury*. It is chosen by lot by the court clerk from a previously compiled list called a *venire*, or in some places the *jury array*. The methods of selecting names of persons for the venire vary among court jurisdictions. The lists in many states are made up from tax assessment rolls or voter registration lists. The law in many states requires that there be a preliminary screening by a court official to eliminate persons unqualified or ineligible under the provisions of applicable state laws. In the federal courts, the court clerk is assisted in compiling the list by a *jury commissioner* appointed by the presiding judge.

Many persons are exempted from jury duty by reason of their occupations. These exemptions differ from state to state, but in some jurisdictions those automatically exempted include lawyers, physicians, dentists, pharmacists, teachers

and clergymen. In a number of others, nurses, journalists, printers, railroad, telephone and telegraph employees, government officials, firemen and policemen are among the exempt occupational groups.

On occasion, the qualification of all the jurors may be challenged. This is called a *challenge to the array*, and generally is based on the ground that the officers charged with the duty to select the jurors did so in an illegal manner.

### Selecting the Jury

In most cases a jury of twelve is required in either a civil or criminal proceeding. In some courts alternate jurors are selected to take the places of members of the regular panel who become disabled during the trial. These alternate jurors hear the evidence just as do the regular jurors, but do not participate in the deliberations unless a regular juror or jurors become disabled.



The jury selection begins with the calling, by the court clerk, of twelve veniremen whose names are selected at random from a box, to take their places in the jury enclosure. The attorneys for the parties, or sometimes the judge, may then make a brief statement of the facts involved, for the purpose of acquainting the jurors with sufficient facts so that they may intelligently answer the questions put to them by the judge and the attorneys. The questions elicit the name, the occupation, the place of business and residence of the prospective juror, and any personal knowledge he may have of the case. If

the venireman expresses an opinion or prejudice which will affect his judgment in the case, the court will thereupon dismiss him for *cause*, and another will be called by the court clerk. This questioning of the jurors is known as the *voir dire*.

There is no limit on the number of jurors who may be excused for *cause*. In addition to the challenges for *cause*, each party has the right to exercise a specific number of *peremptory challenges*. This challenge permits an attorney to excuse a particular juror without having to state a *cause*. If a peremptory challenge is exercised, another juror then is called, until attorneys on both sides have exercised all of the peremptory challenges permitted by law, or they have waived further challenges. The number of peremptory challenges is limited and varies with the type of case.

Thus, the jury is selected and then is sworn in by the court clerk to try the case. The remaining members of the jury panel are excused and directed to report at a future date when another case will be called, or excused and directed to report to another court in session at the time.

### Separating the Witnesses

In certain cases, civil or criminal, the attorney on either side may advise the court that he is *calling for the rule* on witnesses, which means that except for the plaintiff or complaining witness and the defendant, all witnesses who may testify for either party will be excluded from the courtroom until they are called to testify. These witnesses are admonished by the judge not to discuss the case or their testimony with other witnesses or persons, except the attorneys. This is sometimes called a *separation of witnesses*. If the rule is not called for, the witnesses may remain in the courtroom if they so desire.

### Opening Statements

After selection of the jury, the plaintiff's attorney, or attorney for the state

in a criminal case, may make an opening statement for the purpose of advising the jury what he intends to prove in the case. This statement must be confined to facts intended to be elicited in evidence and cannot be argumentative. The attorney for the defendant also may make an opening statement for the same purpose, or, in some states, may reserve the opening statement until the end of the plaintiff's or state's case. Either party may waive his opening statement if he desires.

### Presentation of Evidence

The plaintiff in a civil case, or the state in a criminal case, will begin the presentation of evidence with their *witnesses*. Among these usually will be included the plaintiff in a civil case or the complaining witness in a criminal case, although they are not required to testify.

A witness may testify to a matter of fact. He can tell what he saw, heard, (unless it is hearsay as explained below), felt, smelled or touched through use of his physical senses. Generally, he cannot state his opinion or give his conclusion unless he is an expert or otherwise especially qualified to do so. A witness who has been first qualified in a particular field as an *expert* may give his opinion based upon the facts in evidence, and may state the reasons for that opinion. The facts in evidence are put to the expert in a question called a *hypothetical question*. The question assumes the truth of the facts contained in it.

Generally, a witness cannot testify to *hearsay*, that is, what someone else has told him outside of the presence of the parties to the action. A witness will not be permitted to testify about matters which are too remote to have any bearing on the decision in the case, or matters that are irrelevant and immaterial.

An attorney may not ask *leading questions* of his own witness, particularly about matters which are in dispute in the lawsuit, although routine, noncontroversial matters are sometimes asked with

leading questions. A leading question is one which suggests the answer desired.

*Objections* will be made by the opposing counsel to leading questions, or may be made to a question that calls for an opinion or conclusion on the part of the witness, or which obviously will require an answer based on hearsay. There are many other possible reasons for objections under the rules of evidence. Objections are often made in the following form: "I object to that question on the ground that it is incompetent, irrelevant, and immaterial and for the further reason that it calls for an opinion and conclusion of the witness." However, many jurisdictions require that the objection specify wherein the question is not proper. The judge will thereupon sustain or deny the objection, and if sustained, another question must then be asked or the same question rephrased in proper form.

If an objection to a question is sustained on either direct or cross-examination, the attorney asking the question may make an *offer to prove*. This offer is dictated to the court reporter out of the hearing of the jury. In it the attorney states the answer which the witness would have given if permitted. The offer forms part of the record on appeal.

If the objection is overruled, the witness may then answer. The attorney who made the objection may thereupon take an *exception*, which simply means that he is preserving a record, so that if the case is appealed he may argue that the court erred in overruling the objection. In some states, the rules permit an automatic exception to an adverse ruling without its being asked for in each instance.

A witness also may be used to identify documents, pictures, or other physical exhibits in the trial.

### Cross-Examination

When plaintiff's attorney or the state's attorney has finished his direct examination of the witness, the defendant's attorney or opposing counsel may then

cross-examine the witness upon any matter about which the witness has been questioned initially in direct examination. The cross-examining attorney may ask leading questions for the purpose of inducing the witness to testify about matters which he may otherwise have chosen to ignore. On cross-examination, the attorney may try to bring out any prejudice or bias of the witness, such as his relationship or friendship to the party, or other interest in the case. He is permitted to ask the witness if he has been convicted of a felony or crime involving moral turpitude, since this bears upon the credibility of the witness.

The plaintiff's attorney may object to certain questions asked on cross-examination on the ground that they are improper questions because they deal with facts not touched upon in the direct examination, and on the grounds mentioned previously.

### Re-Direct Examination

After the opposing attorney is finished with his cross-examination, the attorney who called the witness has the right to ask questions on *re-direct examination*. The re-direct examination covers new matters brought out on cross-examination and generally is an effort to rehabilitate a witness whose testimony on direct examination has been weakened by cross-examination. Then the opposing attorney may re-cross-examine. At the conclusion of the plaintiff's or state's evidence, the attorney will announce that the plaintiff or state *rests*.

### Demurrer to Plaintiff's or State's Case, or Motion for Directed Verdict

At the conclusion of the plaintiff's or state's case, out of the presence of the jury, the defendant's counsel may demur to the plaintiff's or state's case on the ground that a cause of action has not been proved, or that the commission of a crime has not been proved against the defendant. In many states, this is known as a *motion for a directed verdict*,

or a verdict which the judge orders the jury to return. The judge will thereupon either sustain or overrule the demurrer or motion. If it is sustained, the case is concluded. If it is overruled, the defendant then is given the opportunity to present his evidence.

### Presentation of Evidence by the Defendant

The defense attorney may elect to present no evidence, and sometimes does so in a criminal case particularly; or he may present certain evidence but not place the defendant upon the stand. In a criminal case the defendant need not take the stand unless he wishes to do so. The reason for this is that the plaintiff or the state has the *burden of proof*.

In a civil case, the plaintiff must prove his case by a *preponderance of the evidence*. This merely means the greater weight of the evidence.

In a criminal case, the evidence of guilt must be *beyond a reasonable doubt*.

The defendant is presumed to be not negligent or liable in a civil case, and not guilty in a criminal case. The defense attorney may feel that the burden of proof has not been sustained, or that presentation of the defendant's witnesses might strengthen the plaintiff's case. If the defendant does present evidence, he does so in the same manner as the plaintiff or the state, as set out above, and the plaintiff or state will cross-examine the defendant's witnesses.

### Rebuttal Evidence

At the conclusion of the defendant's case, the plaintiff or state's attorney may then present rebuttal witnesses or evidence, designed to refute the testimony and evidence presented by the defendant. The matter covered is evidence on which the plaintiff or state did not present any evidence in its *case in chief* initially; or it may be the presentation of a new witness who can contradict the defendant's witness. If there is a so-called *surprise witness*, this is often where you will find

him. At the conclusion of the rebuttal evidence, the defendant may present additional evidence to contradict it.

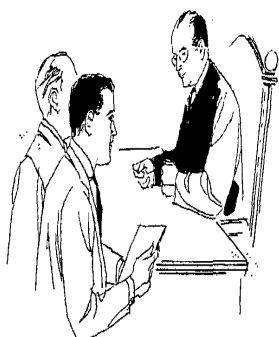
### Final Motions

At the conclusion of all the evidence, out of the presence of the jury, the defendant may again renew his demurrer or motion for directed verdict. If the demurrer or motion is sustained, the case is concluded. If overruled, the trial proceeds.

Thus, the case has now been concluded on the evidence and it is ready to be submitted to the jury.

### Conferences During the Trial

Occasionally during the trial the lawyers will ask permission to approach the bench and speak to the judge, or the judge may call them to the bench. A whispered conference ensues, having to do with the admissibility of certain evidence, irregularities in the trial or other matters. The reason the judge and lawyers speak in tones inaudible to the jury and courtroom is that the jurors might be prejudiced by what they hear. In any event, the question of admissibility of evidence is outside the province of the jury since this is a matter of law for the judge to decide. If the ruling cannot be made quickly, the judge will order the jury to retire, and then will hear the arguments of attorneys outside the presence of the jury.



Whenever the jury leaves the courtroom, the judge will admonish them not to form or express an opinion or discuss the case with anyone.

### Closing Arguments

The attorney for the plaintiff or state will present the first argument in closing the case. Generally, his purpose will be to summarize and comment on the evidence in the most favorable light for his side. He cannot argue issues outside of the case or talk about evidence that was not presented. He is not allowed to comment on the defendant's failure to take the stand as a witness in a criminal case.

He may talk about the facts and all inferences that could properly be drawn therefrom. If he does talk about improper matters, the opposing attorney may object and the judge will thereupon rule upon the objection. If the offending remarks are deemed seriously prejudicial, the opposing attorney will ask that the jury be instructed to disregard them, and in some instances may move for a *mistrial*, i.e., that the present trial be terminated and the case be set for retrial at a later date.

Ordinarily, before closing arguments, the judge will have indicated to the attorneys the instructions which he will give to the jury, and it is proper for the attorneys, in closing argument, to comment upon them and to relate them to the evidence.

The defendant's attorney will next present the argument on behalf of the defendant. He usually answers the statements made in the opening argument, points out defects in the plaintiff's case, and summarizes the facts favorable to his client. Thereafter, the plaintiff or state is entitled to the concluding argument in which the attorney answers the defendant's argument and makes a final appeal to the jury.

If the defendant chooses not to make a closing argument, which sometimes oc-

curs, then the plaintiff or state loses the right to the last argument.

### Instructions to the Jury

While the giving of instructions to the jury is the function of the judge, in many states the attorneys for each side submit a number of suggested instructions designed to apply the law to the facts in evidence. The judge will indicate which instructions he will give and which he will refuse, and the attorneys may make objections to such rulings for the purpose of the record in any appeal.

The judge reads these instructions to the jury. This is commonly referred to as the judge's *charge* to the jury. The instructions cover the law as applicable to the case. Only the judge may determine what the law is, and not the jury. In some states, however, in criminal cases, the jurors are judges of both the facts and the law.

In giving the instructions, the judge will state the issues in the case, define any terms or words necessary, and tell the jury what it must decide as to the issues if it is to find for the plaintiff or state, or for the defendant. He will advise the jury that it is the sole judge of the facts and of the credibility of witnesses; and that upon leaving the courtroom to reach a verdict, it must elect a *foreman* of the jury and then reach a decision based upon the judgment of each individual juror. In some states, the first juror chosen automatically becomes the foreman.

### In the Jury Room

At the conclusion of arguments the jury is taken to the jury room by the bailiff to begin its deliberations. The bailiff will sit outside and not permit anyone to enter or leave the jury room. Ordinarily, the court has furnished the jury with written forms of all possible verdicts which it might reach, so that when a decision is reached the jury can choose the proper verdict form. If the decision is unanimous, it will be signed

by the foreman of the jury, and returned to the courtroom.



Ordinarily, in a criminal case, the decision of the jury must be unanimous. In some jurisdictions, in civil cases, only nine or ten out of twelve jurors need agree to reach a verdict. However, all federal courts require a unanimous verdict. No one may attempt to *tamper* with the jury in any way while it is deliberating.

If the jurors cannot agree on a verdict, the jury is called a *hung jury*, and the case may be retried before a new jury at a later date.

If the jury is out overnight the members will often be housed in a hotel and secluded from all contacts with other persons. In some states the jury may take the judge's instructions and the exhibits introduced in evidence to the jury room, and on rare occasions, the jury may return to the courtroom in the presence of counsel and parties for both sides to ask a question of the judge having to do with his instructions. In such instances the judge may reread all or certain of the instructions previously given, or supplement or clarify them by further instructions. In many cases, the jury will be excused to go home at night, especially if there is no objection by either party.

### Verdict

Upon reaching a verdict, the jury returns to the courtroom with the bailiff

and, in the presence of the judge, the parties and their respective attorneys, the verdict is read or announced aloud in open court. The reading or announcement may be by the jury foreman or the court clerk. Attorneys for either party, but usually the losing party, may ask that the jury be *polled*, in which case each individual juror will be asked if the verdict is his verdict. It is rare for a juror to say that it is not his verdict. When the verdict is read and accepted by the court, the jury is dismissed, and the trial is concluded.

### Motions After Verdict

Motions permitted to be made after the verdict is rendered will vary from state to state. A *motion in arrest of judgment* attacks the sufficiency of the indictment or information in a criminal case. A *motion for judgment non obstante veredicto* may be made after verdict and before judgment. This motion requests the judge to enter a judgment for one party notwithstanding the verdict of the jury. Ordinarily this motion raises the same questions as could be raised by a motion for directed verdict. A *motion for a new trial* sets out alleged errors committed in the trial court and asks the trial judge to correct them. In some states the filing of a motion for a new trial is a condition precedent to an appeal.

### Judgment

The verdict of the jury is ineffective until the judge enters *judgment* upon the verdict. In a civil damage action this judgment might read:

"It is, therefore, ordered, adjudged and decreed that the plaintiff do have and recover the sum of \$1,000 of and from the defendant."

At the request of the plaintiff's lawyer, the clerk of the court will deliver a paper called an *execution* to the sheriff, commanding him to take and sell the property of the defendant and apply the proceeds of the sale to the amount of the judgment.

### Sentencing

In a criminal case, if the defendant is convicted, the judge will set a date for sentencing. In the meantime, the judge may consider matters in mitigation of the sentence.

In the great majority of states, and in the federal courts, the function of imposing sentence is exclusively that of the judge. But in some states the jury is called upon to fix the sentences for some, or all, crimes. In these states the judge merely imposes the sentence as determined by the jury.

### Rights of Appeal

In a civil case either party may appeal to a higher court. But in a criminal case this right is limited to the defendant. Appeals in either civil or criminal cases may be on such grounds as: Errors in trial procedure and errors in *substantive law*, i.e., in interpretation of law by the trial judge. These are the most common grounds for appeals to higher courts although there are others.

The right of appeal does not extend to the prosecution in a criminal case even if the prosecutor should discover new evidence of the defendant's guilt after his acquittal. Moreover, the State is powerless to bring the defendant to trial again on the same charge. The Constitution of the United States and those of most states prevent retrial under provisions known as *double jeopardy* clauses.

Criminal defendants have a further appellate safeguard. Those convicted in state courts may appeal to the federal courts on grounds of violation of constitutional rights, if such grounds exist. This privilege serves to impose the powerful check of the federal judicial system upon any abuses that may occur in state criminal procedures.

The record on appeal consists of the papers filed in the trial court and the court reporter's transcript of the evidence. The latter is called a *bill of exceptions* or *transcript on appeal* and must be certified

by the trial judge to be true and correct. In most states only so much of the record need be included as will properly present the questions to be raised on appeal.

### Appeal

Statutes or rules of court provide for procedure on appeals. Ordinarily, the party appealing is called the *appellant*, and the other party the *appellee*.

The appeal is initiated by filing the transcript of the record of the trial court in the appellate court within the time prescribed. This filing initiates the running of the time within which the appellant must file his *brief* setting forth the reasons and the law upon which he relies in seeking a reversal of the trial court.

The appellee then has a specified time within which to file his answer brief. Following this, the appellant may file a second brief, or brief in reply to the appellee's brief.

When the appeal has been fully briefed, the case may be set for hearing on *oral argument* before the appellate court. Sometimes the court itself will ask for argument; otherwise, one of the parties may petition for it. Often appeals are submitted on the *briefs* without argument. Courts of appeal do not hear further evidence, and indeed it is unusual for any of the parties to the case to attend the hearing of the oral argument.

Generally the case has been assigned to one of the judges of the appellate court, although the full court will hear the argument. Thereafter, it is customary for all the judges to confer on the issues presented, and then the judge who has been assigned the case will write an opinion. If a judge or judges disagree with the result, they may dissent and file a *dissenting opinion*. In many states a written opinion is required.

An appellate court will not weigh evidence and generally will reverse a trial court for errors of law only. Not every



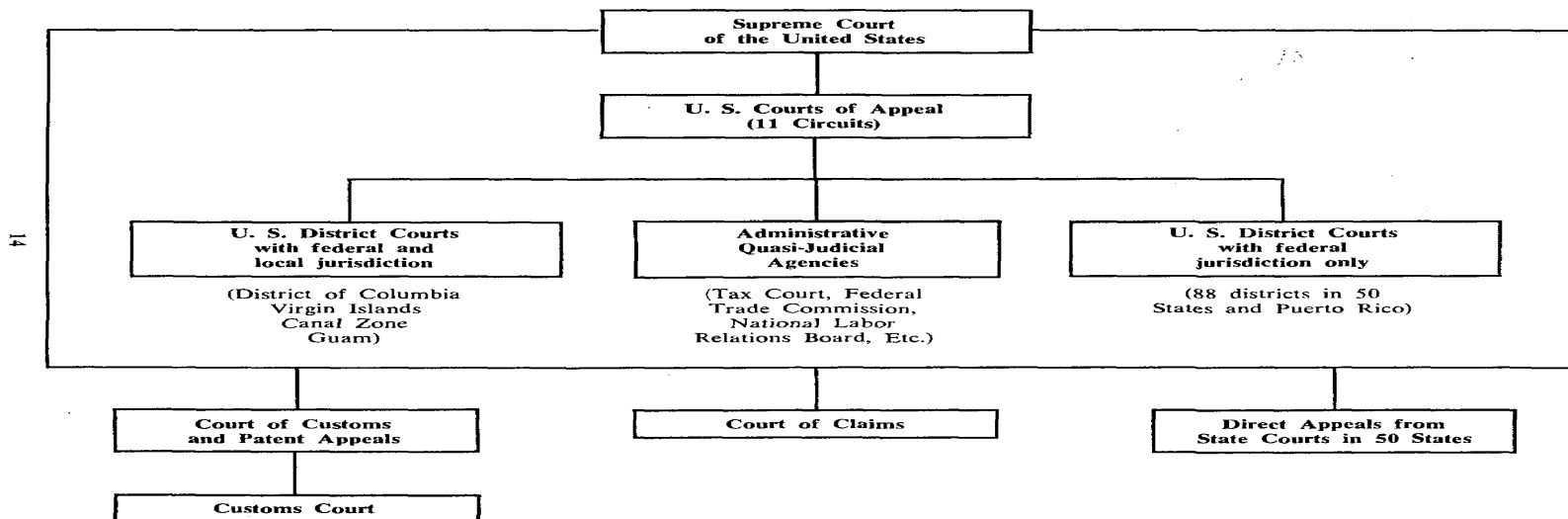
error of law will warrant a reversal. Some are *harmless errors*, i.e., the rights of a party to a fair trial were not prejudiced by them. However, an error of law, such as the admission of improper and persuasive evidence on a material issue, may, and often does constitute a *prejudicial and reversible error*.

After the opinion is *handed down*, and time for the filing of a petition for rehearing, or a petition for transfer, or petition for *writ of certiorari* (if there is a higher appellate court) has expired, the appellate court will send its *mandate* to the trial court for further action in the case.

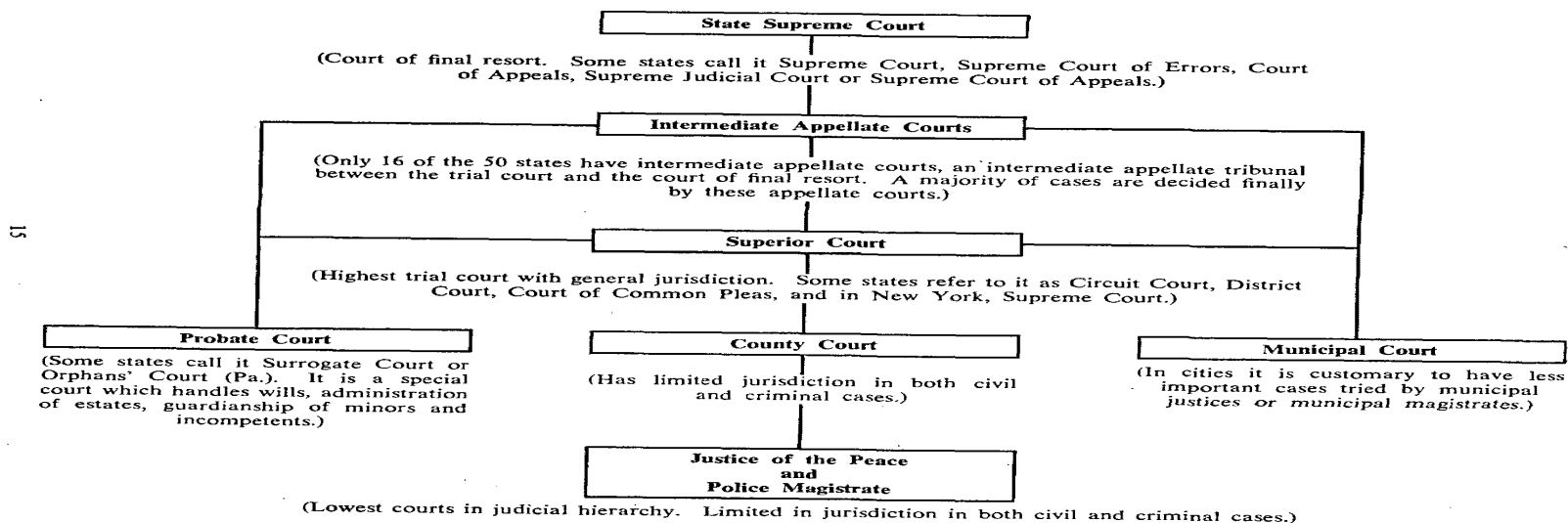
If the lower court was *affirmed*, the case is ended; if reversed, the appellate court may direct that a new trial be had, or that the judgment of the trial court be modified and corrected as prescribed in the opinion.

The taking of an appeal ordinarily does not suspend the operation of a judgment obtained in a civil action in a trial court. Thus, the party prevailing in the trial court may order an execution issued on the judgment unless the party appealing files an *appeal* or *supersedeas bond* which binds the party and his surety to pay or perform the judgment in the event it is affirmed on appeal. The filing of this bond will *stay* further action on the judgment until the appeal has been concluded.

## FEDERAL JUDICIAL SYSTEM



## STATE JUDICIAL SYSTEM



## GLOSSARY OF LEGAL TERMS

### A.

- abstract of record**—A complete history in short, abbreviated form of the case as found in the record.
- accumulative sentence**—A sentence, additional to others, imposed at the same time for several distinct offenses; one sentence to begin at the expiration of another.
- action in personam** (in per-sō'nām) An action against the person, founded on a personal liability.
- action in rem** (in rēm) An action for a thing; an action for the recovery of a thing possessed by another.
- adjudication**—Giving or pronouncing a judgment or decree; also the judgment given.
- adversary system**—The system of trial practice in the U. S. and some other countries in which each of the opposing, or adversary parties, has full opportunity to present and establish their opposing contentions before the court.
- allegation**—The assertion, declaration, or statement of a party to an action, made in a pleading, setting out what he expects to prove.
- amicus curiae** (a-mī'kus kūr'i-ē) A friend of the court; one who interposes and volunteers information upon some matter of law.
- ancillary bill or suit** (an'si-lā-ri) One growing out of and auxiliary to another action or suit, such as a proceeding for the enforcement of a judgment, or to set aside fraudulent transfers of property.
- answer**—A pleading by which defendant endeavors to resist the plaintiff's allegation of facts.
- appearance**—The formal proceeding by which a defendant submits himself to the jurisdiction of the court.
- appellant** (a-pel'ant) The party appealing a decision or judgment to a higher court.
- appellate court**—A court having jurisdiction of appeal and review; not a "trial court".
- appellee** (ap-e-lē') The party against whom an appeal is taken.
- arraignment**—In criminal practice, to bring a prisoner to the bar of the court to answer to a criminal charge.
- arrest of judgment**—The act of staying the effect of a judgment already entered.
- at issue**—Whenever the parties to a suit come to a point in the pleadings which is affirmed on one side and denied on the other, they are said to be "at issue".
- attachment**—A remedy by which plaintiff is enabled to acquire a lien upon property or effects of defendant for satisfaction of judgment which plaintiff may obtain in the future.
- attorney of record**—Attorney whose name appears in the permanent records or files of a case.

### B

- bail**—To set at liberty a person arrested or imprisoned, on security being taken, for his appearance on a specified day and place.
- bail bond**—An obligation signed by the accused, with sureties, to secure his presence in court.
- bailiff**—A court attendant whose duties are to keep order in the courtroom and to have custody of the jury.
- banc** (bangk) Bench; the place where a court permanently or regularly sits. A "sitting in banc" is a meeting of all the judges of a court, as distinguished from the sitting of a single judge.
- bench warrant**—Process issued by the court itself, or "from the bench" for the attachment or arrest of a person.
- best evidence**—Primary evidence, as distinguished from secondary; the best and highest evidence of which the nature of the case is susceptible.
- binding instruction**—One in which jury is told if they find certain conditions to be true they must find for plaintiff, or defendant, as case might be.
- bind over**—To hold on bail for trial.
- brief**—A written or printed document prepared by counsel to file in court, usually setting forth both facts and law in support of his case.
- burden of proof**—In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute.

### C

- calling the docket**—The public calling of the docket or list of causes at commencement of term of court, for setting a time for trial or entering orders.
- caption**—The caption of a pleading, or other papers connected with a case in court, is the heading or introductory clause which shows the names of the parties, name of the court, number of the case, etc.
- cause**—A suit, litigation or action, civil or criminal.
- certiorari** (sér'shi-ō-rā'ri) An original writ commanding judges or officers of inferior courts to certify or to return records of proceedings in a cause for judicial review.
- challenge to the array**—Questioning the qualifications of an entire jury panel, usually on the grounds of partiality or some fault in the process of summoning the panel.
- chambers**—Private office or room of a judge.
- change of venue**—The removal of a suit begun in one county or district, to another, for trial, or from one court to another in the same county or district.
- circuit courts**—Originally, courts whose jurisdiction extended over several counties or districts, and whose sessions were held in such counties or districts alternately; today, a circuit court may hold all its sessions in one county.
- circumstantial evidence**—All evidence of indirect nature: the process of decision by which court or jury may reason from circumstances known or proved to establish by inference the principal fact.
- code**—A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index and promulgated by legislative authority.
- codicil** (kod'i-sil) A supplement or an addition to a will.
- commit**—to send a person to prison, to an asylum, workhouse, or reformatory by lawful authority.
- common law**—Law which derives its authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of courts. Also called "case law."
- commutation**—The change of a punishment from a greater degree to a lesser degree, as from death to life imprisonment.
- comparative negligence**—The doctrine by which acts of the opposing parties are compared in the degrees of "slight," "ordinary" and "gross" negligence.
- competency**—In the law of evidence, the presence of those characteristics which render a witness legally fit and qualified to give testimony.
- complainant**—Synonymous with "plaintiff."
- complaint**—The first or initiatory pleading on the part of the complainant, or plaintiff, in a civil action.
- concurrent sentence**—Sentences for more than one crime in which the time of each is to be served concurrently, rather than successively.
- condemnation**—The legal process by which real estate of a private owner is taken for public use without his consent, but upon the award and payment of just compensation.
- contempt of court**—Any act calculated to embarrass, hinder, or obstruct a court in the administration of justice, or calculated to lessen its authority or dignity. Contempts are of two kinds: direct and indirect. Direct contempts are those committed in the immediate presence of the court; indirect is the term chiefly used with reference to the failure or refusal to obey a lawful order.
- corpus delicti** (kor'pus dē-lik'ti) The body (material substance) upon which a crime has been committed, e.g., the corpse of a murdered man, the charred remains of a burned house.
- corroborating evidence**—Evidence supplementary to that already given and tending to strengthen or confirm it.
- court reporter**—A person who transcribes by shorthand or stenographically takes down testimony during court proceedings.
- costs**—An allowance for expenses in prosecuting or defending a suit. Ordinarily does not include attorney's fees.
- counterclaim**—A claim presented by a defendant in opposition to the claim of a plaintiff.
- courts of record**—Those whose proceedings are permanently recorded, and which have the power to fine or imprison for contempt. Courts not of record are those of lesser authority whose proceedings are not permanently recorded.
- criminal insanity**—Lack of mental capacity to do or abstain from doing a particular act;

inability to distinguish right from wrong.

**cross-examination**—The questioning of a witness in a trial, or in the taking of a deposition, by the party opposed to the one who produced the witness.

**cumulative sentence**—Separate sentences (each additional to the others) imposed against a person convicted upon an indictment containing several counts, each charging a different offense. (Same as accumulative sentence.)

## D

**damages**—Pecuniary compensation which may be recovered in the courts by any person who has suffered loss, detriment, or injury to his person, property or rights, through the unlawful act or negligence of another.

**de novo** (dē nō'vō) Anew, afresh. A "trial de novo" is the retrial of a case.

**declaratory judgment**—One which declares the rights of the parties or expresses the opinion of the court on a question of law, without ordering anything to be done.

**decree**—A decision or order of the court. A final decree is one which fully and finally disposes of the litigation; an interlocutory decree is a provisional or preliminary decree which is not final.

**default**—A "default" in an action of law occurs when a defendant omits to plead within the time allowed or fails to appear at the trial.

**demur** (dē-mér') To file a pleading, (called "a demurrer") admitting the truth of the facts in the complaint, or answer, but contending they are legally insufficient.

**deposition**—The testimony of a witness not taken in open court, but in pursuance of authority given by statute or rule of court to take testimony elsewhere.

**direct evidence**—Proof of facts by witnesses who saw acts done or heard words spoken as distinguished from circumstantial evidence, which is called indirect.

**direct examination**—The first interrogation of a witness by the party on whose behalf he is called.

**directed verdict**—An instruction by the judge to the jury to return a specific verdict.

**discovery**—A proceeding whereby one party to an action may be informed as to facts known by other parties or witnesses.

**dismissal without prejudice**—Permits the complainant to sue again on the same cause of action, while dismissal "with prejudice" bars the right to bring or maintain an action on the same claim or cause.

**dissent**—A term commonly used to denote the disagreement of one or more judges of a court with the decision of the majority.

**domicile**—That place where a person has his true and permanent home. A person may have several residences, but only one domicile.

**double jeopardy**—Common-law and constitutional prohibition against more than one prosecution for the same crime, transaction or omission.

**due process**—Law in its regular course of administration through the courts of justice. The guarantee of due process requires that every man have the protection of a fair trial.

## E

**embezzlement**—The fraudulent appropriation by a person to his own use or benefit of property or money intrusted to him by another.

**eminent domain**—The power to take private property for public use by condemnation.

**enjoin**—To require a person, by writ of injunction from a court of equity, to perform, or to abstain or desist from, some act.

**entrapment**—The act of officers or agents of a government in inducing a person to commit a crime not contemplated by him, for the purpose of instituting a criminal prosecution against him.

**equity, courts of**—Courts which administer remedial justice according to the system of equity, as distinguished from courts of common law. Equity courts are sometimes called courts of chancery.

**equitable action**—An action which may be brought for the purpose of restraining the threatened infliction of wrongs or injuries, and the prevention of threatened illegal action. (Remedies not available at common law.)

**escheat** (es-chēt) In American law, the preferable right of the state to an estate to which no one is able to make a valid claim.

**escrow** (es-kro') A writing, or deed, delivered by the grantor into the hands of a third person, to be held by the latter until the happening of a contingency or performance of a condition.

**estoppel** (es-top'el) A person's own act, or acceptance of facts, which preclude his later making claims to the contrary.

**et al**—An abbreviation of *et alii*, meaning "and others."

**et seq**—An abbreviation for *et sequentes*, or *et sequentia*, "and the following."

**ex contractu** (ex kon-trak'tu) In both civil and common law, rights and causes of action are divided into two classes: Those arising *ex contractu* (from a contract) and *ex delicto* (from a wrong or tort).

**ex delicto** (ex de-lik'tō) Rights and causes of action arising from a wrong or "tort."

**ex parte** (ex par'te) By or for one party; done for, in behalf of, or on the application of, one party only.

**ex post facto** (eks pōst fak'to) After the fact; an act or fact occurring after some previous act or fact, and relating thereto.

**exception**—A formal objection to an action of the court, during the trial of a cause, in refusing a request or overruling an objection; implying that the party excepting does not acquiesce in the decision of the court, but will seek to procure its reversal.

**exhibit**—A paper, document or other article produced and exhibited to a court during a trial or hearing.

**expert evidence**—Testimony given in relation to some scientific, technical, or professional matter by experts, i.e., persons qualified to speak authoritatively by reason of their special training, skill, or familiarity with the subject.

**extenuating circumstances**—Circumstances which render a crime less aggravated, heinous, or reprehensible than it would otherwise be.

**extradition**—The surrender by one state to another of an individual accused or convicted of an offense outside its own territory, and within the territorial jurisdiction of the other.

## F

**fair comment**—A term used in the law of libel, applying to statements made by a writer in an honest belief of their truth, relating to official act, even though the statements are not true in fact.

**fair preponderance**—Evidence sufficient to create in the minds of the triers of fact the conviction that the party upon whom is the burden has established its case.

**false arrest**—Any unlawful physical restraint of another's liberty, whether in prison or elsewhere.

**false pretenses**—Designed misrepresentation of existing fact or condition whereby a person obtains another's money or goods.

**felony**—A crime of a graver nature than a misdemeanor. Generally, an offense punishable by death or imprisonment in a penitentiary.

**fiduciary** (fi-dū'shi-ā-ri) A term derived from the Roman law, meaning a person holding the character of a trustee, in respect to the trust and confidence involved in it and the scrupulous good faith and candor which it requires.

**forcible entry and detainer**—A summary proceeding for restoring possession of land to one who has been wrongfully deprived of possession.

**forgery**—The false making or material altering, with intent to defraud, of any writing which, if genuine, might be the foundation of a legal liability.

**fraud**—An intentional perversion of truth; deceitful practice or device resorted to with intent to deprive another of property or other right, or in some manner to do him injury.

## G

**garnishment**—A proceeding whereby property, money or credits of a debtor, in possession of another (the garnishee) are applied to the debts of the debtor.

**garnishee**—(Noun) The person upon whom a garnishment is served, usually a debtor of the defendant in the action; (verb) to institute garnishment proceedings.

**general assignment**—The voluntary transfer, by a debtor, of all his property to a trustee for the benefit of all of his creditors.

**general demurrer**—A demurrer which raises the question whether the pleading against which it is directed lacks the definite allegations essential to a cause of action, or defense.

**gratuitous guest**—In automobile law, a person riding at the invitation of the owner of a vehicle, or his authorized agent, without payment of a consideration or a fare.

**guardian ad litem** (ad lī'tem) A person appointed by a court to look after the interests of an infant whose property is involved in litigation.

## H

**habeas corpus** (hā'be-as kor'pus) (Lat.) "You have the body." The name given a variety of writs whose object is to bring a person before a court or judge. In most common usage, it is directed to the official or person detaining another, commanding him to produce the body of the prisoner or person detained so the court may determine if such person has been denied his liberty without due process of law.

**harmless error**—In appellate practice, an error committed by a lower court during a trial, but not prejudicial to the rights of the party and for which the court will not reverse the judgment.

**hearsay**—Evidence not proceeding from the personal knowledge of the witness.

**holographic will** (hol-ō-graf'ik) A testamentary instrument entirely written, dated and signed by the testator in his own handwriting.

**hostile witness**—A witness who is subject to cross-examination by the party who called him to testify, because of his evident antagonism toward that party as exhibited in his direct examination.

**hypothetical question**—A combination of facts and circumstances, assumed or proved, stated in such a form as to constitute a coherent state of facts upon which the opinion of an expert can be asked by way of evidence in a trial.

## I

**impeachment of witness**—An attack on the credibility of a witness by the testimony of other witnesses.

**implied contract**—A contract in which the promise made by the obligor is not express, but inferred by his conduct or implied in law.

**imputed negligence**—Negligence which is not directly attributable to the person himself, but which is the negligence of a person who is in privity with him, and with whose fault he is chargeable.

**inadmissible**—That which, under the established rules of evidence, cannot be admitted or received.

**in banc**—On the bench; all judges of the court sitting together to hear a cause.

**in camera** (in kam'e-ra) In chambers; in private.

**incompetent evidence**—Evidence which is not admissible under the established rules of evidence.

**indeterminate sentence**—An indefinite sentence of "not less than" and "not more than" so many years, the exact term to be served being afterwards determined by parole authorities within the minimum and maximum limits set by the court or by statute.

**indictment**—An accusation in writing found and presented by a grand jury, charging that a person therein named has done some act, or been guilty of some omission, which, by law, is a crime.

**inferior court**—Any court subordinate to the chief appellate tribunal in a particular judicial system.

**information**—An accusation for some criminal offense, in the nature of an indictment, from which it differs only in being presented by a competent public officer instead of a grand jury.

**injunction**—A mandatory or prohibitive writ issued by a court.

**inns of court**—Societies of barristers in England.

**instruction**—A direction given by the judge to the jury concerning the law of the case.

**inter alia** (in tér ā'li-ā) Among other things or matters.

**inter alios** (in'ter ā'li-ōs) Among other persons; between others.

**interlocutory**—Provisional; temporary; not final. Refers to orders and decrees of a court.

**interrogatories**—Written questions propounded by one party and served on adversary, who must provide written answers thereto under oath.

**intervention**—A proceeding in a suit or action by which a third person is permitted by the court to make himself a party.

**intestate**—One who dies without leaving a will.

**irrelevant**—Evidence not relating or applicable to the matter in issue; not supporting the issue.

## J

**jurisprudence**—The philosophy of law, or the science which treats of the principles of positive law and legal relations.

**jury**—A certain number of men, selected according to law, and sworn to inquire of certain matters of fact, and declare the truth upon evidence laid before them.

**grand jury**—A jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence and find bills of indictment in cases where they are satisfied a trial ought to be had.

**petit jury**—The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case. So called to distinguish it from the grand jury.

**jury commissioner**—An officer charged with the duty of selecting the names to be put into a jury wheel, or of drawing the panel of jurors for a particular term of court.

## L

**leading question**—One which instructs a witness how to answer or puts into his mouth words to be echoed back; one which suggests to the witness the answer desired. Prohibited on direct examination.

**letters rogatory** (rog'a-tō-ri) A request by one court of another court in an independent jurisdiction, that a witness be examined upon interrogatories sent with the request.

**libel**—A method of defamation expressed by print, writing, pictures, or signs. In its most general sense any publication that is injurious to the reputation of another.

**levy**—A seizure; the obtaining of money by legal process through seizure and sale of property. The raising of the money for which an execution has been issued.

**limitation**—A certain time allowed by statute in which litigation must be brought.

**lis pendens** (lis pen'denz) A pending suit.

**locus delicti** (lō'kus de-lik'ti) The place of the offense.

## M

**malfeasance** (mal-fē'zans) Evil doing; ill conduct; the commission of some act which is positively prohibited by law.

**malicious prosecution**—An action instituted with intention of injuring defendant and without probable cause, and which terminates in favor of the person prosecuted.

**mandamus** (man-dā-mus) The name of a writ which issues from a court of superior jurisdiction, directed to an inferior court, commanding the performance of a particular act.

**mandate**—A judicial command or precept proceeding from a court or judicial officer, directing the proper officer to enforce a judgment, sentence, or decree.

**manslaughter**—The unlawful killing of another without malice; may be either voluntary, upon a sudden impulse, or involuntary, in the commission of some unlawful act.

**master in chancery**—An officer of a court of chancery who acts as an assistant to the judge.

**material evidence**—Such as is relevant and goes to the substantial issues in dispute.

**mesne** (mēn) Intermediate; intervening.

**misdemeanor**—Offenses less than felonies; generally those punishable by fine or imprisonment otherwise than in penitentiaries.

**misfeasance**—A misdeed or trespass. The improper performance of some act which a person may lawfully do.

**mistrial**—An erroneous or invalid trial; a trial which cannot stand in law because of lack of jurisdiction, wrong drawing of jurors, or disregard of some other fundamental requisite.

**mitigating circumstance**—One which does not constitute a justification or excuse of an offense, but which may be considered as reducing the degree of moral culpability.

**moot**—Unsettled; undecided. A moot point is one not settled by judicial decisions.

**moral turpitude**—Conduct contrary to honesty, modesty, or good morals.

**multiplicity of actions**—Numerous and unnecessary attempts to litigate the same right.

**municipal courts**—In the judicial organization of some states, courts whose territorial authority is confined to the city or community.

**murder**—The unlawful killing of a human being by another with malice aforethought, either express or implied.

## N

**ne exeat** (nē ek'sē-at) A writ which forbids the person to whom it is addressed to leave the country, the state, or the jurisdiction of the court.

**negligence**—The omission to do something which a reasonable man, guided by ordinary considerations, would do; or the doing of something which a reasonable and prudent man would not do.

**next friend**—One acting for the benefit of an infant, or other person without being regularly appointed as guardian.

**nisi prius** (nī'sī pri'us) Courts for the initial trial of issues of fact, as distinguished from appellate courts.

**no bill**—This phrase, indorsed by a grand jury on an indictment, is equivalent to "not found" or "not a true bill." It means that, in the opinion of the jury, evidence was insufficient to warrant the return of a formal charge.

**nolle prosequi** (nol'e pros'e-kwi) A formal entry upon the record by the plaintiff in a civil suit, or the prosecuting officer in a criminal case, by which he declares that he "will no further prosecute" the case.

**nolo contendere** (nō'lō kon-ten'de-rē) A pleading usually used by defendants in criminal cases, which literally means I will not contest it.

**nominal party**—One who is joined as a party or defendant merely because the technical rules of pleading require his presence in the record.

**non compos mentis** (non kom'pos) Not sound of mind; insane.

**non obstante veredicto** (non ob-stan'tē ve-re-dik'to) Notwithstanding the verdict. A judgment entered by order of court for one party, although there has been a jury verdict against him.

**notice to produce**—In practice, a notice in writing requiring the opposite party to produce a certain described paper or document at the trial.

## O

**objection**—The act of taking exception to some statement or procedure in trial. Used to call the court's attention to improper evidence or procedure.

**of counsel**—A phrase commonly applied to counsel employed to assist in the preparation or management of the case, or its presentation on appeal, but who is not the principal attorney of record.

**opinion evidence**—Evidence of what the witness thinks, believes, or infers in regard to fact in dispute, as distinguished from his personal knowledge of the facts; not admissible except (under certain limitations) in the case of experts.

**ordinary**—A judicial officer, in several of the states, clothed by statute with powers in regard to wills, probate, administration, guardianship.

**out of court**—One who has no legal status in court is said to be "out of court," i.e., he is not before the court. For example, when a plaintiff, by some act of omission or commission, shows that he is unable to maintain his action he is frequently said to have put himself "out of court."

## P

**panel**—A list of jurors to serve in a particular court, or for the trial of a particular action; denotes either the whole body of persons summoned as jurors for a particular term of court or those selected by the clerk by lot.

**parties**—The persons who are actively concerned in the prosecution or defense of legal proceeding.

**peremptory challenge**—The challenge which the prosecution, or defense may use to reject a certain number of prospective jurors without assigning any cause.

**plaintiff**—A person who brings an action; the party who complains or sues in a personal action and is so named on the record.

**plaintiff in error**—The party who obtains a writ of error to have a judgment or other proceeding at law reviewed by an appellate court.

**pleading**—The process by which the parties in a suit or action, alternately present written statements of their contentions, each responsive to that which precedes, and each serving to narrow the field of controversy, until there evolves a single point, affirmed on one side and denied on the other, called the "issue" upon which they then go to trial.

**polling the jury**—A practice whereby the jurors are asked individually whether they assented, and still assent, to the verdict.

**power of attorney**—An instrument authorizing another to act as one's agent or attorney.

**praecepe** (prē'si-pe) an original writ commanding the defendant to do the thing required; also, an order addressed to the clerk of a court, requesting him to issue a particular writ.

**prejudicial error**—Synonymous with "reversible error"; an error which warrants the appellate court in reversing the judgment before it.

**preliminary hearing**—Synonymous with "preliminary examination"; the hearing given a person charged with crime by a magistrate or judge to determine whether he should be held for trial.

**preponderance of evidence**—Greater weight of evidence, or evidence which is more credible and convincing to the mind, not necessarily the greater number of witnesses.

**presentment**—An informal statement in writing by a grand jury to the court that a public offense has been committed, from their own knowledge or observation, without any bill of indictment laid before them.

**presumption of fact**—An inference as to the truth or falsity of any proposition or fact, drawn by a process of reasoning in the absence of actual certainty of its truth or falsity, or until such certainty can be ascertained.

**presumption of law**—A rule of law that courts and judges shall draw a particular inference from a particular fact, or from particular evidence.

**probate**—The act or process of proving a will.

**probation**—In modern criminal administration, allowing a person convicted of some minor offense (particularly juvenile offenders) to go at large, under a suspension of sentence, during good behavior, and generally under the supervision or guardianship of a probation officer.

**prosecutor**—One who instigates the prosecution upon which an accused is arrested or who prefers an accusation against the party whom he suspects to be guilty; also, one who takes charge of a case and performs function of trial lawyer for the people.

**prosecutrix**—A female prosecutor.

## Q

**quaere** (kwē'rē) A query; question; doubt.

**quash**—To overthrow; vacate; to annul or void a summons or indictment.

**quasi judicial** (kwā'si) Authority or discretion vested in an officer wherein his acts partake of a judicial character.

**quid pro quo**—What for what, a fair return or consideration.

**quotient verdict**—A money verdict determined by the following process: Each juror writes down the sum he wishes to award by the verdict; these amounts are added together, and the total is divided by twelve (the number of jurors) and the quotient stands as the verdict of the jury by their agreement.

**quo warranto** (kwō wo-ran'tō) A writ issuable by the state, through which it demands an individual to show by what right he exercises an authority which can only be exercised through grant or franchise emanating from the state.

## R

**reasonable doubt**—An accused person is entitled to acquittal if, in the minds of the jury, his guilt has not been proved beyond a "reasonable doubt"; that state of the minds of jurors in which they cannot say they feel an abiding conviction as to the truth of the charge.

**rebuttal**—The introduction of rebutting evidence; the showing that statements of witnesses as to what occurred is not true; the stage of a trial at which such evidence may be introduced.

**redirect examination**—Follows cross-examination, and is had by the party who first examined the witness.

**referee**—A person to whom a cause pending in a court is referred by the court to take testimony, hear the parties, and report thereon to the court. He is an officer exercising judicial powers and is an arm of the court for a specific purpose.

**removal, order of**—An order by a court directing the transfer of a cause to another court.

**reply**—When a case is tried or argued in court, the argument of the plaintiff in answer to that of the defendant. A pleading in response to an answer.

**rest**—A party is said to "rest" or "rest his case" when he has presented all the evidence he intends to offer.

**retainer**—Act of the client in employing his attorney or counsel, and also denotes the fee which the client pays when he retains the attorney to act for him.

**rule of court**—An order made by a court having competent jurisdiction. Rules of court are either general or special; the former are the regulations by which the practice of the court is governed; the latter are special orders made in particular cases.

**rule nisi, or rule to show cause** (nī'si) A court order obtained on motion by either party to show cause why the particular relief sought should not be granted.

## S

**search and seizure, unreasonable**—In general, an examination without authority of law of one's premises or person with a view to discovering stolen contraband or illicit property or some evidence of guilt to be used in prosecuting a crime.

**search warrant**—An order in writing, issued by a justice or magistrate, in the name of the state, directing an officer to search a specified house or other premises for stolen property. Usually required as a condition precedent to a legal search and seizure.

**self-defense**—The protection of one's person or property against some injury attempted by another. The law of "self defense" justifies an act done in the reasonable belief of immediate danger. When acting in justifiable self-defense, a person may not be punished criminally nor held responsible for civil damages.

**separate maintenance**—Allowance granted to a wife for support of herself and children while she is living apart from her husband but not divorced from him.

**separation of witnesses**—An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant.

**sheriff**—An officer of a county, chosen by popular election, whose principal duties are aid of criminal and civil courts; chief preserver of the peace. He serves processes, summons juries, executes judgments and holds judicial sales.

**sine qua non** (sī'ne kwā non) An indispensable requisite.

**slander**—Base and defamatory spoken words tending to prejudice another in his reputation, business or means of livelihood. "Libel" and "slander" both are methods of defamation, the former being expressed by print, writings, pictures or signs, the latter orally.

**specific performance**—A mandatory order in equity. Where damages would be inadequate compensation for the breach of a contract, the contractor will be compelled to perform specifically what he has agreed to do.

**stare decisis** (stā're de-si'sis) The doctrine that, when a court has once laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle and apply it to future cases where the facts are substantially the same.

**state's evidence**—Testimony, given by an accomplice or participant in a crime, tending to convict others.

**statute**—The written law in contradistinction to the unwritten law.

**stay**—A stopping or arresting of a judicial proceeding by order of the court.

**stipulation**—An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial. It is not binding unless assented to by the parties, and most stipulations must be in writing.

**subpoena** (su-pē'nā) A process to cause a witness to appear and give testimony before a court or magistrate.

**subpoena duces tecum** (su-pē'nā dū'sēz tē'kum) A process by which the court commands a witness to produce certain documents or records in a trial.

**substantive law**—The law dealing with rights, duties and liabilities, as distinguished from adjective law, which is the law regulating procedure.

**summons**—A writ directing the sheriff or other officer to notify the named person that an action has been commenced against him in court and that he is required to appear, on the day named, and answer the complaint in such action.

**supersedeas** (sū-pēr-sē'dē-as) A writ containing a command to stay proceedings at law, such as the enforcement of a judgment pending an appeal.

## T

**talesman** (tālz'man) A person summoned to act as a juror from among the by-standers in a court.

**testimony**—Evidence given by a competent witness, under oath; as distinguished from evidence derived from writings and other sources.

**tort**—An injury or wrong committed, either with or without force, to the person or property of another.

**transcript**—The official record of proceedings in a trial or hearing.

**transitory**—Actions are "transitory" when they might have taken place anywhere, and are "local" when they could occur only in some particular place.

**traverse**—In pleading, traverse signifies a denial. When a defendant denies any material allegation of fact in the plaintiff's declaration, he is said to traverse it.

**trial de novo** (dē nō'vō) A new trial or retrial had in an appellate court in which the whole case is gone into as if no trial had been had in a lower court.

**true bill**—In criminal practice, the indorsement made by a grand jury upon a bill of indictment when they find it sufficient evidence to warrant a criminal charge.

## U

**undue influence**—Whatever destroys free will and causes a person to do something he

would not do if left to himself.

**unlawful detainer**—A detention of real estate without the consent of the owner or other person entitled to its possession.

**usury**—The taking of more for the use of money than the law allows.

## V

**venire** (vē-nī'rē) Technically, a writ summoning persons to court to act as jurors; popularly used as meaning the body of names thus summoned.

**venire facias de novo** (fā'she-as dē nō'vō) A fresh or new venire, which the court grants when there has been some impropriety or irregularity in returning the jury, or where the verdict is so imperfect or ambiguous that no judgment can be given upon it.

**veniremen** (vē-nī'rē-men) Members of a panel of jurors.

**venue** (ven'ū) The particular county, city or geographical area in which a court with jurisdiction may hear and determine a case.

**verdict**—In practice, the formal and unanimous decision or finding made by a jury, reported to the court and accepted by it.

**voir dire** (vwor dēr) To speak the truth. The phrase denotes the preliminary examination which the court may make of one presented as a witness or juror, as to his qualifications.

## W

**waiver of immunity**—A means authorized by statutes by which a witness, in advance of giving testimony or producing evidence, may renounce the fundamental right guaranteed by the constitutions that no person shall be compelled to be a witness against himself.

**warrant of arrest**—A writ issued by a magistrate, justice, or other competent authority, to a sheriff, or other officer, requiring him to arrest the body of a person therein named and bring him before the magistrate or court to answer to a specified charge.

**weight of evidence**—The balance or preponderance of evidence; the inclination of the greater amount of credible evidence, offered in a trial, to support one side of the issue rather than the other.

**willful**—A "willful" act is one done intentionally, without justifiable cause, as distinguished from an act done carelessly or inadvertently.

**with prejudice**—The term, as applied to judgment of dismissal, is as conclusive of rights of parties as if action had been prosecuted to final adjudication adverse to the plaintiff.

**without prejudice**—A dismissal "without prejudice" allows a new suit to be brought on the same cause of action.

**witness**—One who testifies to what he has seen, heard, or otherwise observed.

**writ**—An order issuing from a court of justice and requiring the performance of a specified act, or giving authority and commission to have it done.

**writ of error coram nobis** (ko'ram nō'bis) A common-law writ, the purpose of which is to correct a judgment in the same court in which it was rendered, on the ground of error of fact.

94-1-369-1528

UNITED STATES

*Memorandum*TO : MR. MALONE *Malone*

DATE: May 11, 1961

FROM : MR. H. L. EDWARDS *HLE*

SUBJECT: ① AMERICAN BAR ASSOCIATION (ABA)  
 FORDHAM REGIONAL TRAFFIC COURT CONFERENCE  
 FORDHAM UNIVERSITY, JUNE 5 - 9, 1961

*g*

Tolson	_____
Belmont	_____
Callahan	_____
Conrad	_____
DeLoach	_____ <input checked="" type="checkbox"/>
Evans	_____
Malone	_____
Rosen	_____
Tavel	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Ingram	_____
Gandy	_____

*E*

The Director has previously approved my accepting an invitation to speak at one of the panels of the American Bar Association Regional Traffic Court Conference scheduled at Fordham University, June 5 - 9, 1961. I have now received a communication from those in charge of the program scheduling me for 11:15 AM, Thursday, June 8, 1961, on the subject "The Traffic Accident Problem." I was informed that this will permit me whatever latitude I desire to develop any points which the Bureau might wish to put across of a law enforcement nature within the framework of this general topic. A proposed manuscript will be submitted for approval in ample time in advance of the scheduled appearance. This date will not interfere with my being in Washington for the National Academy graduation exercises June 7, 1961.

An advance copy of the entire program which I have received from ABA headquarters in Chicago reflects that the entire morning on which I am scheduled deals with the general topic of "Corrective and Educational Penalization." Panel leader is James P. Economos, Director of the ABA Traffic Court Program, who is an excellent friend of the Bureau. Nothing derogatory in Bureau indices. The other participants in the morning panel are Honorable Edward A. Scott, Jr., President-elect, the Associations of Towns, Pelham, New York, who will speak on "Uniformity of Fines"; the Honorable Morris Zweig, Justice of the Peace, Albany, New York, whose topic is "Seriousness of Offense and Dangerous Condition"; and the Honorable James A. Ravella, Judge of the Municipal Court, Warren, Ohio. Nothing derogatory on Scott and Zweig in Bureau indices. Concerning Ravella, the only noteworthy information is an unsubstantiated, nonspecific reference in the General Investigative Intelligence Report submitted by the Cleveland Office dated February 13, 1952, indicating that

ACTION:

For information.

1 - Mr. DeLoach

1 - Mr. Reilly

HLE:wmj *Fb4*

④ 62 MAY 22 1961

REC-73

12 MAY 15 1961

EX-112

TWO

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI

FROM : SAC, RICHMOND (94-390)

DATE: 5/9/61

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
SPECIAL COMMITTEE ON COMMUNIST  
TACTICS, STRATEGY AND OBJECTIVES

Mr. Tolson \_\_\_\_\_  
Mr. Parsons \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Evans \_\_\_\_\_  
Mr. Malone \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Mr. W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Ingram \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

Re Richmond letter to Bureau 3/24/61.

For the Bureau's information in this matter, an article appearing in the Richmond News Leader, a newspaper published at Richmond, Virginia, on April 28, 1961, carried an article captioned "Virginia Colleges Held Developing Deficient Graduate Programs" contained the following comments pertinent to this matter:

## "COMMUNISM COURSE OUTLINE REQUESTED

"The state Board of Education today directed the education department staff to prepare an outline for a four- or six--week unit in communism that would be taught in Virginia's high schools beginning with the 1961-62 term.

"The board acted on the recommendation of the board's textbook and curriculum committee headed by [redacted] of Charlotte Courthouse.

"The education department staff is to bring the matter back to the board for final approval.

"Presumably the statewide unit would be similar to an instructional unit in international communism offered in the Richmond public schools this year for the first time.

"One board member, [redacted] of Norfolk, said the emphasis of the unit should be on any type of authoritative government that threatens human liberty rather than simply on communism, perhaps considered the greatest threat to human liberty today.

"Another board member, [redacted] former chairman of the Richmond school board, described the development of the unit in the Richmond public schools."

P  
2 - Bureau  
1 - Richmond  
WHC/vls  
(3)

50 MAY 19 1961

8 MAY 1961

CRIME RESEARCH

TWO

RH 94-360

An article appearing in the Richmond Times Dispatch newspaper published at Richmond, Virginia, on May 1, 1961, carried an article captioned "Seniors at George Wythe Enjoyed Communism Course" related that nearly 100 George Wythe High School (a high school located in the City of Richmond, Virginia) seniors last week completed a six-week course about communism. This was thought to be one of the first high school groups in the nation completing such a course. Teacher of the students, [redacted] was quoted as saying "They enjoyed it and were interested. It was time well spent." The article continued to relate that the course of communism is being offered in all other Richmond high schools as part of the senior government course. [redacted] commented to the effect that he thought the course stimulated interest of the students because the grades of the students in the course on government, in which this is included, were raised during the period of this instruction from Cs and Ds to Bs and Cs. He said the appeal to youngsters appeared to stem from the fact that it was a subject matter of current concern about which they were able to read material in the daily newspapers in addition to the material used for instruction purposes. [redacted] said he tried to emphasize that communism was not merely an economical system "but a way of life." [redacted] related that some of the questions included in the examination of the students taking the course were as follows:

b6  
b7C

"Evaluate the basic concepts of Marxian communism."

"Discuss methods used by Communists in gaining control of satellite nations."

"How does the communism of Marx differ from the communism of the early utopian thinkers?"

"Compare the free world with the Communist world in terms of area, population and basic beliefs."

The Bureau will be kept advised of further developments in this matter.

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone

DATE: 5/17/61

FROM : H. L. Edwards

SUBJECT: AMERICAN BAR ASSOCIATION REQUEST  
FOR LETTER FROM DIRECTOR FOR PUBLICATION  
IN AMERICAN BAR ASSOCIATION JOURNAL KEYNOTING  
NEW BUILDING ANNEX TO BAR CENTER

Tolson \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

Last night I was with Joseph D. Stecher, Executive Director of the American Bar Association (ABA) and [redacted] Controller and Business Manager of the ABA. They were in town in connection with the ABA Board of Governors meeting. They advised that the June, 1961, issue of the American Bar Association Journal is going to contain a special keynoting of the opening of the new building annex to the American Bar Center Headquarters in Chicago. They have tentatively set aside a "box" in a special portion of the issue. Subject to the Director's agreement they would very much appreciate a 3 or 4 paragraph letter from the Director which would actually keynote the significance of the opening of the new annex. They stated that after this issue has reached the public undoubtedly there would be thousands of congratulatory communications sent to the ABA Center, but they would all "ride on the coat tails" of the Director's message because it would serve as the keynote.

It will be recalled that [redacted] telephoned on 4/7/61 to alert us to the possibility of this forthcoming request for a letter from the Director, and in my memorandum of 4/10/61 reporting this, the recommendation was made that no action be taken on the matter until such time as a request is actually received. Both Stecher and [redacted] are excellent contacts in the ABA and they occupy the two key positions in the headquarters staff. They feel that the Director is the greatest living American and that a message from the Director on the opening of this new annex, coinciding as it does with the ABA having passed the 100,000 membership mark, would have a tremendous impact. The ABA membership exceeded 100,000 in March, 1961, representing a 90% increase since October 1, 1954. Construction on the annex began April 28, 1960, and was available for occupancy on April 15, 1961. It will be dedicated at some as yet undetermined date in June 1961.

Should the Director agree to submit such a letter, they suggested that he might want to emphasize the growing awareness of the average member of the Bar to the worthwhileness of a professional

1 - C. D. DeLoach

HLE:njs

(3)

62 JUN 24 1961

Enclosure

REC-61

EX-130

MAY 22 1961

Edwards to Malone Memo  
Re: American Bar Association Request  
for letter from Director

status. They feel this is a very worthy theme and it would tie in closely with the efforts of the Director over the years to raise the status of law enforcement to a profession. They indicated the letter should be addressed to Joseph D. Stecher, Executive Director, American Bar Association, American Bar Center, 1155 East 60th Street, Chicago 37, Illinois.

Unfortunately, [ ] and Stecher apologetically stated that their layout plans for the June issue had been delayed in view of other pressing matters including the current Board of Governors meeting and that they are really pressing their deadline for publication. They would appreciate very much the Director submitting the letter to them should he agree, within the next week. b6 b7C

RECOMMENDATION:

That Crime Records Division be authorized to prepare a letter as requested herein.

ADDENDUM OF CRIME RECORDS DIVISION 5-19-61 CBF:mid 7th 63F

Crime Records Division has prepared a brief note to Mr. Stecher enclosing an appropriate statement for publication in the journal as indicated.

RECOMMENDATION:

That the attached letter to Mr. Stecher be approved for transmittal.

EPB  
AM 5/19  
GPH  
✓

May 19, 1961

Mr. Joseph D. Stecher  
Executive Director  
American Bar Association  
1155 East 60th Street  
Chicago 37, Illinois

Dear Mr. Stecher:

Inspector Edwards has advised me of your request for a statement for publication in the "Journal" in connection with the opening of the new annex at your Chicago Headquarters.

It is a pleasure to enclose a statement which you may feel free to use as indicated. I am glad to be of service in this regard.

Sincerely yours,

J. Edgar Hoover

Enclosure

1 - Miss Gandy - Enclosure

Tolson \_\_\_\_\_  
Parsons \_\_\_\_\_  
Mohr \_\_\_\_\_  
Belmont \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

NOTE: See Edwards to Malone memo dated 5-17-61 and captioned "American Bar Association Request for Letter from Director for Publication in American Bar Association Journal Keynoting New Building Annex to Bar Center" HLE:njs

Approved by  
Director of Public Information  
Department of Justice

CBF:mid

62 MAY 26 1961

MAIL ROOM ☐

TELETYPE UNIT ☐

EX-114

REC-50

19 MAY 23 1961

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May 19, 1961

It is indeed a pleasure to extend greetings and congratulations to the American Bar Association upon the opening of the new annex at its Chicago Headquarters.

This is a significant milestone in the growth and progress of the Association since it was founded in 1878. With a membership now some 100,000 strong, the organization may indeed be proud of its accomplishments in promoting the American way of life. Over the years it has crusaded for improvement in the administration of justice, high standards of legal education and conduct and professional integrity in the field of jurisprudence.

We of the law enforcement profession look to the Association as an ally in the common fight against the evil forces of crime and subversion. The challenge is unmistakably clear. Our Nation's future and the welfare of our people demand that it be met. We exist as free men today because only under law can individual rights prosper.

I welcome this opportunity to salute the members of the American Bar Association on a job well done and to convey my very best wishes for every success in their future endeavors.

Tolson \_\_\_\_\_  
Parsons \_\_\_\_\_  
Mohr \_\_\_\_\_  
Belmont \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

1 - Miss Gandy

NOTE: Source as to date American Bar Association (ABA) was founded from the Encyclopedia of American Associations, 2nd edition, 1959. It also outlines the purpose of ABA as to improving administration of justice, high standards of legal education and conduct and professional integrity. Enclosure to letter to Mr. Joseph D. Stecher, American Bar Association, Chicago, Illinois.

CBF:mid

(5) MAIL ROOM ☐ TELETYPE UNIT ☐

Approved by  
Director of Public Information  
Department of Justice  
John Edgar Hoover  
Director

MAY 19 4 17 PM '61  
REC'D-READING ROOM  
FBI

ENC 74-1-369-1532

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone

DATE: 5/17/61

FROM : H. L. Edwards

SUBJECT: TAPPAN GREGORY, EDITOR IN CHIEF  
OF THE AMERICAN BAR ASSOCIATION  
JOURNAL

Tolson \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach ☒  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

On May 14, 1961, during a conversation with staff members of the American Bar Association (ABA) who were visiting in Washington, D.C., I learned that Tappan Gregory suddenly passed away approximately two weeks ago. Mr. Gregory has been on our Special Mailing List. His position as Editor in Chief of the ABA Journal has not been filled by an appointment as yet. [redacted] who worked with Mr. Gregory is temporarily handling the duties previously assigned to Mr. Gregory.

This matter is being brought to your attention so that Mr. Gregory's name may be removed from the Special Mailing List.

RECOMMENDATION:

That the name of Tappan Gregory be removed from the Special Mailing List.

*Gregory deleted  
from  
5-22-61  
mem*

REC-47

94-1-369-1533

EX-103

12 MAY 24 1961

CRIME RESEARCH

- Mr. DeLoach

TDW:plg  
(3)

MAY 31 1961

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone

DATE: 5/5/61

FROM : H. L. Edwards

SUBJECT: ANNUAL MEETING,  
AMERICAN BAR ASSOCIATION (ABA)  
AUGUST 7-11, 1961  
ST. LOUIS, MISSOURI

Tolson \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

The Director has approved participation of Inspector H. L. Edwards in the program sponsored by the Family Law Section to be held during the above-captioned meeting.

ABA annual meetings normally have 10,000 or more in attendance. They include business meetings and programs by all eighteen sections of the ABA, the House of Delegates, Board of Governors, and special committees. Bureau representation has always been handled by at least two Seat of Government representatives. Due to my participation in the Family Law Section Program, it is essential that my alternate assist in covering the annual meeting. The Bureau's chief interests are the Criminal Law and Family Law Sections. The Bureau's alternate is SA Supervisor [redacted], who is a member of the Family Law and Criminal Law Sections. [redacted] assisted in coverage of the 1960 Annual Meeting of the ABA and the Midyear Meeting in Chicago in February, 1961.

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This memorandum is being submitted at this early date for approval of [redacted] attendance because it is necessary to register for this meeting as early as possible so that the names of both [redacted] and I will appear on the printed registration announcements. There is a \$25 registration fee for each individual attending this meeting. By having our names on the advanced registration list, it will assist materially in our contact work with members of the ABA in that they will know we are attending this meeting and at which hotel we have reservations.

RECOMMENDATION:

That approval be given for SA [redacted] to attend the ABA Annual Meeting at St. Louis, Missouri, August 7 - 11, 1961.

56 JUN 5 1961  
 (2)

By letter dated 5/11/61  
 May 29, 1961  
 May 25.00  
 for ABA meeting  
 for H.L. Edwards  
 for H.L. Edwards  
 for H.L. Edwards

REC-7  
 94-1-369-1534  
 17 MAY 31 1961  
 EX-102

FBI

33559

Date: 5-16-61

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via AIRTEL \_\_\_\_\_  
(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, CHICAGO (80-355)

SUBJECT: AMERICAN BAR ASSOCIATION  
INFORMATION CONCERNING

Enclosed herewith are 12 copies of "The Student Lawyer," June, 1961 issue, which contains an article entitled "Science, Crime Detection and the Federal Bureau of Investigation" by J. EDGAR HOOVER which begins on page 14 of the mentioned publication.

GALE

2 - Bureau (Encs. 12)  
1 - Chicago  
DFB:HFM  
(4)

REC-95 94-1-349-1535

FBI  
RECORDS-TRAINING

MAY 22 4 30 PM '61

Approved: [Signature] Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

Wick

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Mohr

DATE: May 26, 1961

FROM : J. F. Malone

SUBJECT:

AMERICAN BAR ASSOCIATION

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 W.C. Sullivan \_\_\_\_\_  
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 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

This afternoon, [redacted] an Attorney from Chattanooga, Tennessee, stopped in to see Inspector H. L. Edwards. [redacted] is a personal friend of Inspector Edwards through the American Bar Association. [redacted] stated that he dropped in to see Mr. Edwards while he was in Washington for the purpose of trying to get some action on an appointment to a Federal judgeship. There are some openings in Tennessee and he is anxious to obtain one for himself.

He advised Mr. Edwards that while he was in the Department waiting to see [redacted] Deputy Attorney General's Office, everyone in the Department seemed to be in a "dither" trying to line up five stenographers to go to Alabama. [redacted] did not ascertain the reason why it was necessary for them to go but he did hear that they would be based at Maxwell Field.

RECOMMENDATION:

None..... Informative.

REC-9

EX 104

MAY 31 1961

JFM:hcv

(2) JUN 6 1961

May 31, 1961

b6  
b7c

Director of Activities  
American Bar Association  
1155 East Sixtieth Street  
Chicago 37, Illinois

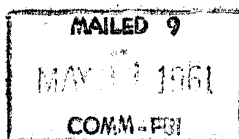
Dear [redacted]

In connection with the series of articles for the "Student Lawyer Journal," I am glad to enclose my manuscript entitled "FBI Identification Division" for publication in the October, 1961, issue. Also enclosed are photographs depicting the work of the Identification Division which I thought you might like to use with this article.

It has been a pleasure to prepare this series for your publication, and if I can be of any further assistance please do not hesitate to let me know.

Sincerely yours,

Edgar Hoover



REC-80

44-1-369-1537

Enclosures (9)

Official Photos FBI 8-39, 8-51, 8-59, 8-65, 8-77, 40-21, 37-9, and Speedphoto Transceiver.

NOTE: See Jones to DeLoach Memo of 5-25-61 captioned "American Bar Association, Series of Articles, For Publication in "Student Lawyer Journal"

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W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

EXPOSURE  
66 JUN 2 1961

MAIL ROOM TELETYPE UNIT

May 31, 1961

**FBI IDENTIFICATION DIVISION**

by

**John Edgar Hoover, Director  
Federal Bureau of Investigation  
United States Department of Justice**

Strange as it may seem, the means of identifying an individual is established even before the person is born! The reason, of course, is fingerprints--the only absolute, infallible, unalterable means of personal identification. Fingerprints are formed about three months prior to birth and remain unchanged throughout a person's lifetime until the final stages of decomposition following death. No two persons have ever been found to have the same fingerprints.

The development of the science of fingerprint identification is a fascinating story in the history of man's quest for a positive means of personal identification. In earlier civilizations, branding and even maiming were used to identify the criminal. Centuries ago, the Romans

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W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

utilized the tattoo needle to identify and prevent desertion of mercenary

NOTE: Enclosure to letter to [REDACTED]. See Jones to DeLoach Memo 5-25-61, captioned "American Bar Association, Series of Articles for Publication in "Student Lawyer Journal."

BS:dgs  
(9) *dgs*

MAIL ROOM ☐ TELETYPE UNIT ☐

94-1-369-1537

ENCLOSURE

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soldiers. Later, law enforcement officers with extraordinary visual memories identified old offenders by sight. The advent of photography lessened the burden on memory but was not the answer to the criminal identification problem. Personal appearances change.

Around 1870, Alphonse Bertillon, a French anthropologist, devised a system of body measurements as a means of telling one person from another. These measurements were reduced to a formula which, theoretically, would apply only to one person and would not change during his adult life. The Bertillon System was generally accepted for thirty years. Then, in 1903, an event transpired that proved the fallacy of this method of identification. That was the year a man named Will West was sentenced to the United States Penitentiary at Leavenworth, Kansas.

#### The West Case

When he was received at Leavenworth, Will West denied previous imprisonment there, but the record clerk measured him with Bertillon instruments anyway. He knew the reluctance of criminals to admit past crimes. Sure enough, from the formula derived from this examination, the clerk located the file of one William West whose measurements were virtually identical to those of Will West. Moreover, William West's photograph resembled Will West. But Will West was telling the truth when he stated he had never been in Leavenworth before.

Imagine the clerk's surprise when he further examined William West's record card and discovered that William West was already an inmate at the penitentiary, serving a life sentence for murder! Obviously, Will West and William West were not identical. When the fingerprints of the two men were compared, their patterns bore no resemblance.

Although the two Wests are not known to have been related, they had a facial resemblance like twin brothers. The formulas derived from their Bertillon measurements were nearly identical, allowing for slight discrepancies which might have been due to human variations in the measuring process. And finally, there was the crowning coincidence of the similarity of names. The fallibility of three systems of personal identification--photographs, Bertillon measurements and names--was clearly demonstrated by this one case. The value of fingerprints as a means of detecting that fallibility was established.

#### FBI Identification Division Established

With the acceptance of fingerprints as the logical method of identification for police purposes after the turn of the century, many individual law enforcement agencies established their own fingerprint record bureaus. As the number increased, it became apparent that a central repository of fingerprints, available to authorities throughout the Nation, was needed. The individual local bureau served to identify the criminal

who restricted his activities to one community, but was of little value in identifying lawbreakers who moved from one city to another.

The Identification Division of the FBI was established in 1924, as a national repository for fingerprint identifying data. The fingerprint records of both the National Bureau of Criminal Identification, which was established by the International Association of Chiefs of Police, and of Leavenworth Penitentiary, totaling 810,188 sets of prints, were consolidated to form the nucleus of the FBI files.

Today, the FBI Identification Division houses the largest collection of fingerprints in the world. On May 1, 1961, there were 159,160,037 fingerprint cards on file, representing over 75,000,000 persons. These cards, if stacked one on top of the other, would reach a height more than 100 times that of New York City's Empire State Building. During April, 1961, an average of 21,222 sets of fingerprints were received for processing each working day. These were submitted by some 13,400 authorized contributors, including substantially every American law enforcement agency.

#### Classification System

Although the original nucleus of 810,188 fingerprint cards received in 1924 was but a fraction of the tremendous volume to be received in the years to come, it was apparent even then that a filing system was needed

which would accommodate both current and future reference requirements. Obviously each incoming print could not be compared individually with every print already in file. A system was needed that would separate prints into groups with similar ridge patterns in corresponding fingers. The FBI selected the classification system devised by Sir Edward Henry, later Commissioner of London's Scotland Yard. The Henry System was officially introduced for criminal identification in England and Wales in 1901. Today, it forms the basis of the great majority of systems employed in English-speaking countries.

The Henry System divides fingerprint patterns into eight basic types: plain arch, tented arch, ulnar loop, radial loop, plain whorl, central pocket loop, double loop and accidental. The ten fingers are considered as a unit to obtain the complete classification. This classification, consisting of a combination of letters and numerals, reflects the general characteristics of the patterns in all fingers. This numeral and letter classification permits filing in proper sequence for ready reference.

Although the system presently employed by the FBI is basically the same as that devised by Sir Edward Henry, it has been necessary to amplify and extend it into numerous additional subdivisions. The voluminous present-day files thus have been separated into a multitude

of smaller groups with similar characteristics. As a result, the expert technician can establish an identity within a few minutes by examining a limited number of the millions of cards on file.

#### Criminal and Civil Prints

Fingerprints on file in the Identification Division are divided into two main categories: criminal and civil. The criminal file contains over 38,000,000 prints, while the civil or noncriminal file is much larger, containing over 121,000,000 separate fingerprint cards. The civil prints come from many sources such as members of the armed forces, government employees, individuals employed during World War II in defense industries and aliens. In addition, many private citizens voluntarily have their prints taken and sent to the FBI in order to have them on file in case of an emergency.

Of the almost 2,000,000 arrest fingerprint cards submitted to the Identification Division by law enforcement agencies during fiscal year 1960, nearly 77 per cent were identified with the fingerprint records of persons who previously had been arrested. In instances such as these, the Identification Division is able to furnish, free of charge, to the interested agency a complete account of the arrested person's known criminal record--including his aliases, offenses for which he has been convicted, and the like.

At the request of municipal, county, state and Federal law enforcement agencies, "stop notices" are placed against the fingerprint records of criminals whose apprehensions are sought. When information is subsequently received indicating the whereabouts of the fugitive--usually from the arrival of a new arrest fingerprint card--the FBI immediately notifies the interested authorities. During 1960, 17, 505 fugitives were identified by FBI fingerprint examiners through this procedure.

#### Latent Fingerprints

Technicians of the Latent Fingerprint Section of the Identification Division deal principally with processing and identifying latent impressions developed at crime scenes or upon articles of evidence. Generally speaking, latent impressions are those fingerprints and palm prints left on an object when that object has been handled. These impressions may be visible, partially visible, or invisible.

Early on the morning of May 3, 1960, for example, the elderly night attendant of a service station in Aurora, Illinois, was shot four times and fatally wounded by a bandit. The murderer apparently drank from a soft drink bottle which was found inside the station by investigating officers. A short time later, a 16-year-old boy was picked up for questioning. The bottle and his fingerprints were forwarded

to the FBI Identification Division for examination. Three latent fingerprints found on the bottle were identified as fingerprints of the suspect, who readily admitted the crime, and also the killing of another man in a similar offense a few days earlier. At the trial, the FBI fingerprint examiner testified regarding his identification of the latent prints. The youth was found guilty of murder and sentenced to life imprisonment. (II #805)

In another instance, a lone gunman held up a teller in Portland, Oregon. After obtaining over \$2,600, the bandit fled, leaving behind a newspaper which he had placed on the counter in front of the victim teller. FBI Agents investigating the robbery sent the discarded newspaper to the Identification Division to be examined for latent fingerprints. Six latent prints were developed on the front page of the paper and each was identified with the fingerprints of [redacted] a suspect in the robbery. Testimony by an FBI fingerprint expert at the trial in United States District Court, Portland, Oregon, was instrumental in counteracting [redacted] story that he had not been in Portland on the day of the robbery. [redacted] was found guilty and received a sentence of 14 years which was later reduced to 10 years. (II #804)

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### Footprints

Although footprints are equally as positive a means of identification as fingerprints, they cannot be secured with the same

facility and do not lend themselves to such extensive modifications in classifications as do the ten fingers. The FBI requests footprints only when fingerprints are not available. Currently, there are approximately 400 sets of footprints on file in the Identification Division.

Although the FBI does not maintain a centralized file for infants' footprints, since this type of file would be impractical from the classification and utility standpoints, we have repeatedly urged that infants' footprints be taken at birth and remain as an integral part of the hospital record of each birth. Resort to such footprints for identification purposes can then be made in those special cases when a question may be raised by a parent as to the identity of a child or in those instances when law enforcement has an interest, such as in cases of kidnaping, abandonment or the unexplainable death of a child.

In May, 1961, [redacted] four-month-old identical twin sons of [redacted] of Langley Park, Maryland, received nationwide attention through their identification from footprints. When the boys outgrew their hospital identification bracelets, [redacted] put a ribbon around [redacted] ankle and left [redacted] untagged. But one day the ribbon came off and the parents were unable to tell which was which. At the parents' request, the FBI footprinted the infants and straightened out the problem by matching the prints with those made at the hospital at the time of birth. (5-19-61 issue "Life" magazine)

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### Speedphoto Transceiver

When time is of the essence and regular mail service will not provide the rapid response required, fingerprint comparisons can be made in a matter of minutes by the use of the Speedphoto Transceiver, which was installed in the Identification Division in 1950.

The Speedphoto machine is utilized by a network of 24 law enforcement agencies for the transmission of fingerprints and identification data over direct telephone lines. A staff of specially trained employees in the Identification Division renders this service to law enforcement agencies twenty-four hours a day. On one occasion, the Speedphoto Transceiver was used to identify the victim of his own bombing.

On December 10, 1958, the headquarters of the World Kingdom Fountain of Knowledge, a religious cult at Simi, California, was badly damaged by fire after an explosion. At least nine persons were killed in the blast and fire, including the religious leader of the cult, a self-styled mystic. Investigation disclosed that two disgruntled former members of the cult probably caused the explosion. Local police authorities identified a hand found at the scene of the bombing with the fingerprints of one of the two suspects.

A few hours later, shortly after midnight, FBI Agents in Los Angeles transmitted by Speedphoto to the Identification Division in

Washington, D. C., a thumb print taken from a thumb found on a hillside behind the World Kingdom Fountain of Knowledge headquarters immediately after the explosion. Within two hours fingerprint experts in the Identification Division advised the Los Angeles FBI Office by telephone that the thumb print had been identified with the left thumb of an individual whose fingerprints are on file in Washington. This man was the other suspect in the bombing. His fingerprints had been taken in 1948, when he was a machinist at the Puget Sound Navy Yard, Bremerton, Washington. (I.I. #787)

#### International Exchange

Today, fingerprint cooperation is world-wide, encompassing the noncommunist world. The FBI currently participates in the international exchange of fingerprint data with 77 foreign countries as well as the Canal Zone, Guam, Puerto Rico and the Virgin Islands. This program enables law enforcement agencies in the United States and all other participating nations to share the benefits of the mutual exchange of information regarding international confidence men, fast-moving fugitives and other criminals whose operations extend across national boundaries.

In January, 1961, the Commissioner of Police in Kampala, Uganda, a British protectorate in east central Africa, transmitted to the FBI Identification Division the fingerprints of

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aged [ ] who had been arrested in Uganda at the request of police authorities in Ruanda-Urundi, where he was wanted for receiving stolen diamonds. [ ] who was contesting the extradition proceedings to Ruanda-Urundi, was also wanted in Montreal, Canada, for fraud and theft. His fingerprints were found to be identical with those of [ ] who was arrested on two occasions in Mexico in 1945 on charges of robbery and fraud. [ ] fingerprint record was furnished to the police authorities in Uganda for their assistance. (FBI# [ ]) b6 b7C

#### Other Services

The Identification Division also uses the fingerprints in its possession for humanitarian purposes, including identifying missing persons, amnesia victims and victims of disasters, such as fire, flood and airplane crashes. During the past 10 years, over 400 amnesia victims have been identified through the files of the Identification Division.

"Missing person notices" are posted at the request of members of the immediate family. Information which is subsequently received concerning the whereabouts of missing persons is promptly relayed to the interested relatives.

In March, 1959, a Nebraska woman wrote to the "Missing Persons Bureau, Washington, D. C.," asking for assistance in locating a brother whom she had not seen in 22 years. In her letter, which was

referred to the FBI Identification Division, the woman explained that her brother had worked on a steamship which loaded at several ports in Texas and sailed to a number of foreign countries. Accordingly, she had written to a seamen's bureau, but this had failed to locate her brother.

On the basis of the descriptive data contained in the letter, a search was conducted in the files of the Identification Division which resulted in the location of a fingerprint record for a person having a name similar to the missing man's. The record showed that this person had been fingerprinted in 1943 at Philadelphia in connection with his application for a Coast Guard identification card. A Philadelphia address was shown on the card.

This information was furnished to the woman in Nebraska, and in April, 1959--little more than a month after her first letter--the woman wrote and thanked the FBI for helping to locate her brother. Her letter read in part: "I wrote at once to the address you gave me but he had moved to a new address and my letter was sent there. He called me and also wrote to me. We were both very happy to be reunited after twenty-two years of absence. I cannot tell you how much this was appreciated by both of us. Thank you so much." (II #794)

#### Disaster Squad

When the tragedy of disaster strikes, prompt and positive identification of victims helps anxious relatives and provides legal proof

for insurance claims or other matters involving death. The FBI, through its vast reservoir of fingerprints, stands ever ready to be of assistance in identifying these victims.

Since being organized in 1940, the Disaster Squad has identified victims in 31 major disasters, 16 of them in the last two years. The latter included 14 plane crashes and two ship disasters. In 15 of these most recent disasters, the Squad was able to secure one or more fingerprints from 439 adult victims. From this number, positive identifications were made by fingerprints of 343, representing a 78.13 percentage.

Upon receiving a request from an official of any public transportation facility or the law enforcement agency involved, the Disaster Squad is prepared to leave immediately for the scene of the disaster. Names of crew members and passengers are obtained and all fingerprint cards on persons with similar names and descriptions are pulled from file. Upon arrival, a temporary morgue is established. During a recent crash, the FBI's office consisted of a truck with a crude table built near its tail gate. Other "offices" have included a shipping shed on a pier, a high school gymnasium, a Quonset hut, airplane hangars and a medical school.

On one occasion during a hurricane, the Disaster Squad encountered special problems. Here there were no passenger or employee

lists. Each unidentified body had to be fingerprinted and the prints later searched through the millions of fingerprint cards in the Identification Division.

Experience has shown the practical value of the FBI's Disaster Squad. This group of FBI fingerprint experts is today rendering a valuable service--a service made possible by the highest traditions of American humanitarianism.

The value to the American people of the FBI's collection of fingerprints is beyond calculation. Through the services of the Identification Division, every American receives an annual dividend of protection and consolation.



AMERICAN BAR

CIATION

American Bar Center

1155 EAST SIXTIETH STREET CHICAGO 37 • ILLINOIS

Telephone HYde Park 3-0533

WHITNEY NORTH SEYMOUR  
President

JOHN C. SATTERFIELD  
President-Elect

OSMER C. FITTS  
Chairman of House of Delegates

GLENN M. COULTER  
Treasurer

JOSEPH D. CALHOUN  
Secretary

JOSEPH D. STECHER  
Executive Director

Mr. Tolson  
Mr. Parsons  
Mr. Belmont  
Mr. Callahan  
Mr. Conrad  
Mr. DeLoach  
Mr. Evans  
Mr. Malone  
Mr. Rosen  
Mr. Tavel  
Mr. Trotter  
Mr. W.C. Sullivan  
Tele. Room  
Mr. Ingram  
Miss Gandy

May 22, 1961

Honorable J. Edgar Hoover  
Director of the Federal Bureau of Investigation  
United States Department of Justice  
Washington, D. C.

Dear Mr. Hoover:

I acknowledge receipt this morning of your letter of May 19 with which you enclosed a statement for publication in the American Bar Association Journal, pursuant to my request transmitted through Inspector Edwards. Your statement is excellent, and I am confident that it will attract much attention among our members. We deeply appreciate your taking the time out of your busy life to prepare the statement.

It is our hope that we may be able to publish your statement in the June issue. However, that issue has already gone to press; and we may not be able to get it in. If this turns out to be the case, then your statement will be published in the July issue.

With kindest personal regards and again thanking you,

Sincerely yours,

Executive Director

Joseph D. Stecher

JDS/gp

JUN 2 1961

6 JUN 7 1961

EX 104

No ack - This is reply to a/c outgoing 5/19/61  
OK 5/24/61

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone

DATE: 6/2/61

FROM : SA James E. Reilly

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
 FORDHAM REGIONAL TRAFFIC COURT CONFERENCE  
 FORDHAM UNIVERSITY, N.Y.C., JUNE 5 - 9, 1961

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 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
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 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

The Director has previously approved my accepting an invitation to attend the captioned conference as a guest registrant. An advance copy of the agenda listed the individuals who would be speakers at the Conference (list attached).

It is noted that in his memorandum to you dated May 11, 1961, under the same caption, Mr. H. L. Edwards furnished information concerning Scott, Zweig, and Ravello.

The indices contained no identifiable derogatory information regarding the other individuals with the exception of [redacted] and [redacted].

Concerning [redacted] Bufile 100-4712-528, P. 374 contains a Treasury Department report dated January 2, 1945, in answer to a Bureau request dated December 28, 1944. The report lists [redacted] Fordham University Bronx Subchapter of the American First Committee.

Bufile 100-7321-78, P. 43 contains a report of SA Ralph F. Miller at New York, dated 8/15/47 on the National Lawyers' Guild. In the report one [redacted] was listed as a speaker at the 5th Convention of the National Lawyers' Guild. [redacted]

Concerning [redacted] Bufile 94-54102 contains information [redacted]

No other derogatory information was noted. Also attached herewith is a copy of my itinerary in connection with my attendance at the conference.

RECOMMENDATION:

None. For information.

Enclosures

1 - Mr. Edwards

1 - Mr. DeLoach

JER:mf

(4)

ENCLOSURE

EX-107  
 JUN 6 1961  
 [initials]

REC-36

12 JUN 5 1961

UNRECORDED COPY FILED IN 94-1-369-1539

[REDACTED]  
LABORATORIES FOR SCIENTIFIC CRIMINAL INVESTIGATION  
UNIVERSITY OF RHODE ISLAND  
KINGSTON, RHODE ISLAND

[REDACTED]  
TRAFFIC INSTITUTE, NORTHWESTERN UNIVERSITY  
EVANSTON, ILLINOIS

[REDACTED]  
MEMBER, HOUSE OF DELEGATES  
AMERICAN BAR ASSOCIATION  
REPRESENTING BAR OF THE CITY OF NEW YORK, NEW YORK, N.Y.

ABRAHAM M. ~~W~~BLOCH  
CHIEF MAGISTRATE  
MAGISTRATES COURT  
NEW YORK, NY

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b7C

[REDACTED]  
PROFESSOR OF LAW  
FORDHAM UNIVERSITY

[REDACTED]  
FORDHAM UNIVERSITY

COLONEL EDWIN W. ~~W~~WEISSMAN  
CHIEF OF PLANS AND OPERATIONS DIVISION  
OFFICE OF THE PROVOST MARSHAL GENERAL  
WASHINGTON, D.C.

[REDACTED]  
SAFETY RESEARCH AND EDUCATION PROJECT  
TEACHER'S COLLEGE, COLUMBIA UNIVERSITY, NEW YORK, N.Y.

XEROX  
JUN 6 1961  
Vp

CAPTAIN [REDACTED]

SAFETY DIVISION, NEW YORK CITY POLICE DEPARTMENT

94-369-1534  
ENCLOSURE

[REDACTED]  
INSURANCE INSTITUTE FOR HIGHWAY SAFETY  
WASHINGTON, D.C.

[REDACTED]  
PRESIDENT'S COMMITTEE FOR TRAFFIC SAFETY  
WASHINGTON, D.C.

[REDACTED]  
CENTER FOR SAFETY AND EDUCATION  
DIVISION OF GENERAL EDUCATION  
NEW YORK UNIVERSITY, NEW YORK, N.Y.

HON. JAMES A. ~~X~~RAVELLA  
JUDGE OF MUNICIPAL COURT  
WARREN, OHIO *NY*

MORRIS ~~X~~ZWEIG

4 ~~PINE~~ STREET, ALBANY, NEW YORK (BUSINESS ADDRESS)  
DOB ~~SEPT.~~ 6, 1907

22 ELM STREET, NASSAU, NEW YORK (RESIDENCE ADDRESS)

EDWARD A. ~~X~~SCOTT JR.

Home: 475 Wolf Lane, Pelham, New York

DOB: 1898



American Bar Association

AMERICAN BAR ASSOCIATION

1155 EAST SIXTIETH STREET CHICAGO 37 • ILLINOIS

Telephone HYde Park 3-0334

June 6, 1961

Mr. Tolson	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. DeLoach	✓
Mr. Evans	✓
Mr. Malone	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Mr. Ingram	✓
Miss Gandy	✓

WHITNEY NORTH SEYMOUR  
President

JOHN C. SATTERFIELD  
President-Elect

OSMER C. FITTS  
Chairman of House of Delegates

GLENN M. COULTER  
Treasurer

JOSEPH D. CALHOUN  
Secretary

JOSEPH D. STECHER  
Executive Director

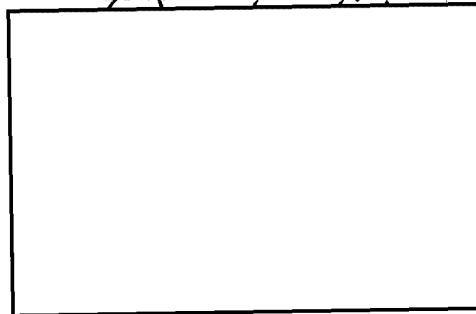
Honorable J. Edgar Hoover, Director  
Federal Bureau of Investigation  
United States Department of Justice  
Washington 25, D. C.

Dear Mr. Hoover:

Thank you for the final manuscript in your series of articles for the Student Lawyer Journal. It will have strong readership interest, particularly since the many humanitarian purposes served by the Identification Division facilities generally are unknown.

Your authorship of the series has helped a new generation of lawyers to understand and appreciate the work of the Bureau. We are most indebted to you for this important contribution to the education of the legal profession.

Yours very truly,



ENCLOSURE

JMS:ced

EXP. PROC.  
JUN 8 1961  
31

b6  
b7C

REC-94

94-1-369-1540

16 JUN 13 1961

no ack -  
reply thank you  
B.S.

62 JUN 15 1961

3-113

1027

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone *gmw*

DATE: 6/7/61

FROM : H. L. Edwards *HLE*

SUBJECT: *5/12* AMERICAN BAR ASSOCIATION (ABA)  
 FAMILY LAW SECTION  
 COMMITTEE ON JUVENILE LAW AND PROCEDURE  
 SUBCOMMITTEE ON STUDY OF  
 JUVENILE ARRESTS AND DISPOSITIONS

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone *On* \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

I am scheduled to be in New York City, Thursday, 6/8/61, to fill a previously approved speaking commitment at 11:15 a.m., before the Fordham University Traffic Court Program sponsored by the ABA.

This morning (6/7/61) I received a call from [redacted] Committee on Juvenile Law and Procedure of the Family Law Section with whom I have been working in connection with juvenile delinquency and youthful criminality matters. [redacted] asked me if it would be possible for me to attend a subcommittee meeting in the chambers of Judge Florence Kelly, New York City, at 4:00 p.m., on the afternoon of my Fordham commitment. This is the first opportunity she has had to call a subcommittee meeting in connection with the proposed study of juvenile arrests and the subsequent disposition of these juveniles following such arrests. This is a subcommittee chaired by Judge Kelly of which I am a member (my membership was previously approved by the Director in order that we would have a Bureau representative in a position to be alert to and have a voice in the manner in which this study is to operate).

b6  
 b7C

Unless advised to the contrary, I will attend the subcommittee meeting at 4:00 p.m., on 6/8/61. I will return to Washington that night.

ACTION: Information.

REC- 94

EX-113

94-1-369-1541

JUN 12 1961

1 - Mr. DeLoach

HLE:meh  
 (3)

55 JUN 15 1961

Two del

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI  
ATTENTION MR. J.F. MALONE  
TRAINING AND INSPECTION DIVISION  
FROM : SA JAMES E. REILLY

DATE: 6/5/61

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
FOREMAN REGIONAL TRAFFIC COURT  
CONFERENCE, FORDHAM UNIVERSITY,  
NYC  
6/5-9/61

The Fifth Annual Regional Conference of captioned organization opened June 5th at 8:30 a.m. approximately 65 registrants were in attendance representing about 20 states. The agenda for the day included:

Registration; short addresses of welcome by members of the faculty of the School of Law and Fordham College; [redacted], on behalf of the association of the Bar of the City of New York; and [redacted] of the Northwestern University Traffic Institute. Speakers for the first day were ABRAHAM M. BLOCH, Chief Magistrate of Magistrate's Court of the City of New York, whose topic was "Is Justice Available in Traffic Courts?" JAMES P. ECONOMOS, Director of the Traffic Court Program of the American Bar Association whose topics were "The Traffic Court Judge-Key to Community Attitudes," and "Analysis of Judges Opening Remarks." The final speaker for the day was [redacted] aforementioned, who spoke on the "Rules of Evidence in Trials of Traffic Cases."

No mention was made of the Bureau during the program. The session concluded at 5:10 p.m.

- ③ - Bureau  
(1 - J.F. MALONE, Training & Inspection Div.)  
1 - New York

JER:emv  
(4)

REC-91

EX-136

15 JUN 7 1961

50 JUN 16 1961

RECORDED COPY FILED IN

1-22668

M.V.

EX-136  
JUN 7 1961  
30

b6  
b7c

UNITED STATES (

## Memora

TO : Mr. Malone

DATE: June 9, 1961

FROM : H. L. Edwards

SUBJECT: AMERICAN BAR ASSOCIATION  
GRATIS PUBLICATIONS FOR  
QUANTICO LOUNGE

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

On April 17, 1961, I contacted [redacted] of the ABA, Chicago, Illinois, regarding copies of the "Student Lawyer" containing the Director's article. Many of our New Agents had seen the article and were quite interested in the article. [redacted] advised that the ABA would be quite happy to furnish gratis copies of the "Student Lawyer" and the "ABA Journal" on a regular basis to Quantico to be used in the lounge. On June 6, 1961, ASAC Harold Light of Quantico advised that they have received the "Student Lawyer" and it was now included on their magazine racks in the lounge. Light said he was not sure whether they had received the "ABA Journal" yet, but that it would be placed in the lounge when received.

b6  
b7cACTION: Information.

ENCLOSURE

REC-26

74-1549-1543

JUN 15 1961

EX-113

1 - Mr. Sloan  
TDW:mgj  
(3)

57 JUN 21 1961 66 JUN 20 1961

April 17, 1961

[redacted]  
American Bar Association  
Bar Center  
1155 East 60th Street  
Chicago, Illinois

Dear [redacted]

I have been passing around copies of the "Student Lawyer" containing the Director's article. Many of our new agents who are in training were, of course, interested in the article but also indicated an interest in the other articles in the magazine. Henry Sloan, as you know who is our Agent in charge at the FBI Academy at Quantico, Virginia, advised that he thought that our recreation room there which has quite a stock of current periodicals would benefit if we could be put on your mailing list for the "Student Lawyer" and also the "ABA Journal."

I don't want to impose upon your generosity but I feel that this could be mutually beneficial in that our agents would obtain a better understanding of the ABA and interest in belonging. Likewise, there are so many good articles in both the Journal and the "Student Lawyer" that they would benefit from simply reading them and possibly some of the benefits would be of aid in their work with the Bureau. Therefore, if it is at all possible, would you please add the FBI Academy, Quantico Marine Base, Quantico, Virginia, to your mailing list for both the "Student Lawyer" and the "ABA Journal."

[redacted] told me that he had seen you at [redacted] office and I was certainly sorry that we were unable to get together while you were here, but hope that the next time you come we can at least have lunch together.

Best regards.

Inspector H. L. Edwards  
Federal Bureau of Investigation  
Room 5254  
Department of Justice Building  
Washington 25, D. C.

*Follow for reply and  
if OK'd we will want to  
submit informative  
memo*

b6  
b7C

b6  
b7C

94-1-369-1543

UNITED STATES GOV

## Memoran

TO : Mr. Malone *gm*

DATE: June 21, 1961

FROM : H. L. Edwards *HL*SUBJECT: *6/18* AMERICAN BAR ASSOCIATION (ABA)  
TRAFFIC COURT PROGRAM

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

*M. J. [unclear]*  
*[unclear]*

Attached is a letter dated June 16, 1961, received by me from James P. Economos, Director of the ABA Traffic Court Program, which refers to my participation in their program on June 8, 1961, at Fordham University School of Law. This participation was previously approved by the Bureau. I have personally acknowledged this letter.

ACTION: Information.*IPM*  
*6/21/61**ENCLOSURE*

Enclosure  
 HLE:mgj  
 (2) *mgj*

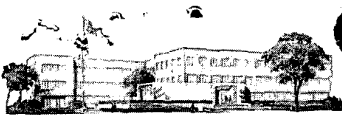
57 JUN 27 1961

REC- 68

94-1-369-1544

JUN 23 1961

*[Signature]*



# AMERICAN BAR ASSOCIATION

## STANDING COMMITTEE ON TRAFFIC COURT PROGRAM

1155 EAST SIXTIETH STREET • CHICAGO 37, ILLINOIS

Telephone HYde Park 3-0533

American Bar Center  
ALBERT B. HOUGHTON, CHAIRMAN  
152 WEST WISCONSIN AVENUE  
MILWAUKEE 3, WISCONSIN

ROY A. BRONSON, VICE CHAIRMAN  
255 CALIFORNIA STREET  
SAN FRANCISCO 11, CALIFORNIA

TOM C. CLARK  
ASSOCIATE JUSTICE  
UNITED STATES SUPREME COURT  
WASHINGTON 25, D.C.

HICKS EPTON  
CUTLIP BUILDING  
WEWOKA, OKLAHOMA

J. HARRY LABRUM  
PACKARD BUILDING  
PHILADELPHIA 2, PENNSYLVANIA

ROBERT J. SHOUP  
UNION COMMERCE BUILDING  
CLEVELAND 14, OHIO

LOWELL D. SNORF, JR.  
4210 WEST PETERSON AVENUE  
CHICAGO 30, ILLINOIS

JAMES P. ECONOMOS  
DIRECTOR OF TRAFFIC COURT PROGRAM  
LILLIAN M. BANAHAN  
MILTON E. MOSKAU  
ARTHUR W. SCHUMACHER  
ROBERT C. GRIFFIN  
ROBERT D. ERICSSON  
ASSISTANTS TO THE DIRECTOR

June 16, 1961

Mr. Lynn Edwards, *JHE*  
Inspector  
Federal Bureau of Investigation  
Room 5254  
Department of Justice Building  
Washington 25, D. C.

Dear Lynn:

We of the Traffic Court Program of the American Bar Association greatly appreciate your appearing on our program at the 1961 Annual Fordham Regional Traffic Court Conference at Fordham University School of Law, one June 8th.

From the many pleasant comments and kind remarks that we heard from the participants at this conference, we feel that it was most successful. We feel, of course, that a good measure of this success devolves upon your excellent presentation of the subject "The Traffic Accident Problem".

Again, please accept our deep appreciation and very best wishes.

With kind personal regards, I am,

Sincerely,

*James P. Economos*  
James P. Economos, Director  
Traffic Court Program

*memo to Mr. Malone  
4/21/61  
HLE:mgj  
JPE:gb*

*let ack'd personally  
4/21/61  
HLE:mgj*

94-1-369-1544  
ENCLOSURE

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone *jm*DATE: June 9, 1961 *we*FROM : H. L. Edwards *HW*SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
SPECIAL COMMITTEE ON COMMUNIST  
TACTICS, STRATEGY AND OBJECTIVES

Tolson	✓
Belmont	✓
Mohr	✓
Callahan	✓
Conrad	✓
DeLoach	✓
Evans	✓
Malone	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Trotter	✓
Tele. Room	✓
Ingram	✓
Gandy	✓

ABA President-elect John C. Satterfield has asked me if I would be willing to serve as a member of the ABA Special Committee on Communist Tactics, Strategy and Objectives during Satterfield's term as President of the ABA, which will begin at the forthcoming Annual Meeting in St. Louis in August, 1961. Satterfield has already advised us he plans to [redacted]

We will be able to work very closely with [redacted] It is understood he will also ask L. B. Nichols to continue as a member of the Committee. Nichols was not a member of the Committee while he was in the Bureau acting as the Bureau's liaison representative with the ABA.

b6  
b7C  
b7D

Satterfield realizes my serving on this Committee would have to receive prior approval of the Director. He said that I might want to assure the Director that his desire to have me on the Committee is based upon the fact that I am a member of the ABA and actively interested in its various activities. He stated that he did not want anyone to think that my membership on the Committee was motivated solely by my FBI connection.

There is no doubt this Committee is an important one which the Bureau will want to keep in very close touch with. We can do this with [redacted] and Satterfield as President.

EX - 112

REC-18

94-1-369-1545

I discussed my proposed membership with Mr. Sullivan. He advised that Mr. Belmont and himself do not believe it wise at this time for me to accept membership in the committee. The major reason advanced by Belmont and Sullivan is this: The Bureau, as a whole, might become completely identified with whatever the Committee proposes, and therefore could be subjected in this way to embarrassment or criticism. For example, any publication produced by the Committee would naturally be subjected to criticism or opposition on the part of some individuals or groups, and if the opportunity presented itself, and they were so inclined, they could inject the FBI into the criticism, and might try to hold the FBI responsible, at least in part, for whatever shortcomings they allege the publication to possess.

53 I would say Belmont and Sullivan are of the opinion that open membership in the Committee might give our critics a chance to charge that

1 - Mr. Belmont

1 - Mr. DeLoach

H. L. Edwards (6)

1 - Mr. Sullivan

62 JUN 29 1961

Memorandum for Mr. Malone  
re: ABA Special Committee on Communist  
Tactics, Strategy and Objectives

we are trying to unduly promote FBI interest, and are using the Committee as a tool. They believe that we can accomplish the same results without danger to the Bureau if I am not an open member, but represent the Bureau's interests through [redacted]

b6  
b7C  
b7D

RECOMMENDATION:

In view of the foregoing, it is recommended I be authorized to tell Satterfield I would prefer not to serve as a member of this Committee. If this is approved, I will personally handle it with Satterfield.

WCE

WCE

2/19

OK.

JM

K.

JM

R

W.E.S.

V.

Handled  
6/21  
JHR

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone *jam*

DATE: June 22, 1961

FROM : H. L. Edwards *HL*SUBJECT: LETTER FROM DIRECTOR  
PUBLISHED IN ABA JOURNAL FOR JUNE, 1961

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach ☒  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

② Attached is my copy of the June, 1961, issue of the American Bar Association Journal. Page 609 is tabbed and printed thereon is the letter which the Director sent to the ABA Headquarters in Chicago on the occasion of the opening of its new Annex. It will be recalled that Executive Director of the ABA, Joseph D. Stecher, wrote the Director thanking him for the letter.

ACTION: Information.

ENCLO. BEHIND FILE

EX-116

REC-94

94-1-369-1546

JUN 26 1961

Enclosure

HLE:mgj

(2)

63 JUN 30 1961 + 25-4

b6  
b7c

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. Malone

DATE: 6/14/61

FROM : J. E. Reilly

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
 FORDHAM REGIONAL TRAFFIC COURT CONFERENCE  
 FORDHAM UNIVERSITY, N. Y. C., JUNE 5-9, 1961

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

b6  
 b7c

With the approval of the Director, I attended the captioned conference as a guest registrant at the invitation of James P. Economos, Director of the Traffic Court Program of the American Bar Association.

The program was interesting and well conceived. Economos was assisted in its presentation by [redacted] for the Traffic Institute of Northwestern University, [redacted] on the ABA Traffic Court Program and several guest lecturers. These latter guests included people in the field of traffic safety, insurance, the judiciary, medicine, the military, the clergy, and Inspector H. L. Edwards of the FBI.

The conference was attended by some sixty-nine people from 14 states and the District of Columbia and included judges, justices of the peace, court administrators, prosecutors, court clerks and law enforcement.

The aims of the conference are to promote cooperation between the courts, law enforcement and prosecutors and mutual understanding of the problems each face in the traffic field. The ultimate goal is to achieve respect for law, particularly traffic and to bring about a reduction in traffic accidents and deaths.

In my opinion these conferences, and this one in particular since I am sure it is representative of the others of the same type, is quite effective in pointing up the need for uniformity in laws, court procedures and enforcement policies to achieve the objectives noted above.

There were some shortcomings noted in the conference; namely, the failure of some guest speakers to appear necessitated the use of substitutes who had to read the lecture to be delivered. This detracted somewhat from the overall effect and inhibited discussion to some extent. On the whole though, the

JER:het  
 (3)

EX-116

REC-91

JUN 27 1961

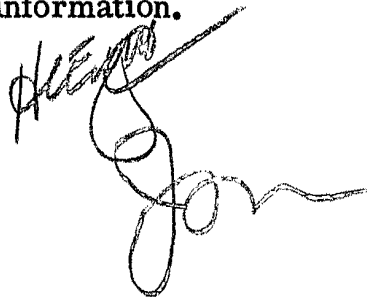
62 JUN 29 1961

MEMORANDUM REILLY TO MALONE  
RE: AMERICAN BAR ASSOCIATION  
FORDHAM REGIONAL TRAFFIC COURT CONFERENCE

conference was quite instructive and incorporated a couple of features to which we might give some consideration in connection with our own National Academy curriculum. One was a panel forum composed of clergymen who, in this case, represented the Protestant, Jewish, Roman Catholic and Greek Orthodox faiths. They presented the "Moral Implications in Traffic Laws." The other was a skidmark demonstration put on under the auspices of an insurance company representative with the help of two officers from the Accident Investigation Unit of the New York City Police Department. This demonstration was highly dramatic and instructive.

Inspector Edwards' talk was very well received and occasioned several complimentary remarks about the Director and the Bureau's zeal in upgrading the quality of law enforcement as well as the fine job of public relations the Bureau does through its cooperative services.

RECOMMENDATION: None....for your information.

A handwritten signature, possibly "RM", in dark ink.A large, stylized handwritten signature, possibly "H. E. Malone", in dark ink.

UNITED STATES GOV

## Memoran

TO : Mr. Malone

DATE: June 27, 1961

FROM : H. L. Edwards

SUBJECT: AMERICAN BAR ASSOCIATION  
SOUVENIR PHOTOGRAPHIC ALBUM OF  
83RD ANNUAL MEETING  
WASHINGTON, D. C., 1960

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

Attached is a copy of the souvenir photographic album of the Washington Annual Meeting of the American Bar Association held in August, 1960. [redacted] of Public Relations, sent this album to me and suggested that the Director might enjoy looking at it. He particularly called attention to page 76 (tabbed) because it contains a photograph of the Indoor Range, and the explanatory legend refers to the fact that many of the visitors to the annual meeting took advantage of the FBI tours which the Director offered as one of the special features.

b6  
 b7c

It will be recalled that the American Bar Association played host to the British and Australians during this meeting.

I have personally acknowledged receipt of this album.

ACTION:

Information.

Encl.

HLE:hcv  
 (2)

55 JUL 12 1961

REC-62

94-1-369-1548

JUL 6 1961

EX-112

TWO

UNITED STATES GOVERNMENT

## Memora

TO : MR. [REDACTED]

DATE: May 16, 1961

FROM : MR. H. L. EDWARDS

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
SPECIAL COMMITTEE ON COMMUNIST  
TACTICS, STRATEGY, AND OBJECTIVES  
[REDACTED]

Tolson	_____
Belmont	_____
Mohr	_____
DeLoach	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Ingram	_____
Gandy	_____

Mr. DeLoach and I, pursuant to the Director's approval, have been in touch with [REDACTED]

President-elect John Satterfield [REDACTED] of the ABA Special Committee on Communist Tactics, Strategy, and Objectives. [REDACTED] was interested in soliciting the Director's ideas as to possible programs for his committee as well as the Bureau's cooperation on a confidential basis. [REDACTED] at the annual meeting of the ABA at St. Louis, August, 1961. Satterfield feels this committee is one of the most important and it will be recalled that a subcommittee of this special committee is the one which is carrying out a current program of the ABA to foster the teaching of Communism, Democracy, and the Bill of Rights in secondary schools throughout the United States. Consequently, [REDACTED] of the main committee will have considerable direction and control over this educational program. Mr. DeLoach and I last week reviewed various ideas of [REDACTED] with W. C. Sullivan. This memorandum will summarize a few areas where it is felt the Director might wish to approve cooperation with [REDACTED] committee (on a confidential basis, of course, without any attribution to the FBI).

b6  
b7C  
b7D

1. Preparing a text outline of the Director's "Masters of Deceit" suitable for a teacher's lesson plan adaptable to a course on Communism. [REDACTED] states there is a crying need for a suitable teaching text on Communism. [REDACTED] has been teaching a course in Communism at [REDACTED] and has used the Director's book extensively for source material. Having in mind a wider dissemination of "Masters of Deceit," which certainly would seem to be a distinct possibility if this program of teaching Communism in secondary schools throughout the United States takes hold, it is believed that it would definitely be to the Bureau's best interests to confidentially supply [REDACTED] with a comprehensive outline of "Masters of Deceit" which [REDACTED] could use as a suggested teaching plan. We would then have assurance this committee would be directing teachers of Communism along proper lines. If the Bureau does not take advantage of this opportunity in all likelihood the committee will have to turn elsewhere for a text.

2. A special tour of the FBI and an orientation session for [REDACTED] Committee. The thought occurred that as soon as [REDACTED] and his committee take office after the August, 1961, meeting of the ABA, it might be a very worthwhile idea for the entire committee to come to Washington and devote several hours to a special session. This could be in the nature of an "FBI Day" for [REDACTED] committee. They could be taken on a special tour

HLE:wmj(6)

1 - Mr. Belmont

1 - Mr. W. C. Sullivan

1 - Mr. DeLoach

55 JUL 17 1961

CORRESPONDENCE

Memo for Mr. Malone  
Re: American Bar Association

of the FBI. A period of time could be spent in the classroom where they would be given a lecture by Bureau officials and appropriate supervisory personnel to orient them for the important programs which the committee will pursue. This will guarantee the committee's getting its sights set straight at the outset and getting off to an excellent start. The session, of course, would be strictly informal and only public source information would be used. An appropriate agenda would be submitted in advance for the Director's approval.

3. Additional ideas being considered by [ ] and Satterfield. Satterfield, who becomes ABA President in August, 1961, is most enthusiastic about this committee's potential. He feels the program of educating people to the dangers of Communism might catch on like wildfire and even surpass "Law Day, USA," which now has upwards of 75,000 separate local programs every May 1st in its honor. He and [ ] have in mind such things as institutes for the development and orientation of teachers in Communism. These would be designed to make available instruction, guidance, and orientation for teachers and professors, especially of the secondary school and college levels, and of selected members of the Bar in the subject matter and techniques of teaching the subject of Communism. They hope to get a highly screened panel of top experts in the field to constitute the staff. They also plan Bar institutes or seminars. These would consist of panels of experts on the subject of Communism who would be available to local and state Bar associations. The institutes or seminars would deal with the theory, tactics and problems of Communism and methods of combatting it. They also plan speakers for Bar meetings. [ ] committee hopes to maintain a panel of speakers available for major local and state Bar meetings who will be nationally recognized experts on the subject of Communism. b6 b7C b7D

[ ] participated recently in the extremely successful seminars in the Cincinnati area in which Chief Inspector Sullivan participated. He is convinced these seminars are extremely valuable. [ ] of course, would welcome Bureau participation in major seminars, to be handled by experts like Inspector Sullivan. However, no commitment was made to him in this regard and no recommendation for committing the Bureau to participation is being made at this time. It is felt this is a matter which should await developments of the program and the Bureau should evaluate each of these seminars in the light of policy, work load and related factors existing at that time.

#### RECOMMENDATIONS:

1. That authorization be given to have the Crime Records Division prepare a suitable teacher lesson plan and text outline of "Masters of Deceit" to be made available to [ ] on an extremely confidential basis without attribution to the FBI.

A REPORT OF THE SPECIAL COMMITTEE ON  
COMMUNIST TACTICS, STRATEGY AND OBJECTIVES

PEACEFUL CO-EXISTENCE—A BLUEPRINT  
FOR DISRUPTION

AMERICAN BAR ASSOCIATION

*May, 1961*

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## Preface

Two recent statements of Communist principles and policy constitute important confirmation of the urgent need for continuance and expansion of the program of the American Bar Association to advance individual rights and freedom under law against the threat of Communism.

In February, 1959, the House of Delegates recommended legislative action to strengthen national security in the following areas:

(a) To extend the Smith Act of 1940 to make it a crime to teach and advocate violent overthrow of the United States Government, and to define the word "organize" to include a continuing process in order to avoid the bar of the Statute of Limitations;

(b) To enable the executive branch of the government to determine and dismiss employees in both sensitive and non-sensitive government positions who are security risks;

(c) To authorize dismissal of government employees who refuse to answer, before duly authorized congressional committees, executive officers and courts, questions concerning Communist or Communist front subversive activities;

(d) To empower the executive branch of the government to deport at any time those aliens who are Communists, and to interrogate aliens awaiting deportation as to their subversive activities;

(e) To authorize denial of passports to persons knowingly engaged in sub-

versive activities designed or intended to further Communism, and to provide standards for the issuance of passports;

(f) To apply the Foreign Agents Registration Act of 1946 to agents of foreign principals outside the United States with respect to dissemination of political propaganda within the United States.

In August, 1960, the House of Delegates adopted resolutions to support a program of education on the nature, strategy and tactics of Communism as contrasted to our democratic system of freedom under law. A special committee was created to implement this program.

The 81-Party Statement adopted at a meeting of Communist Parties in Moscow in November, 1960, and the address of January 6, 1961 by Nikita Khrushchev upon this 81-Party Statement reaffirm the principles and Strategy of world Communism. These latest pronouncements emphasize the necessity of increased effort by bar associations to carry out the policies which were adopted by the House of Delegates.

Wide public knowledge of the contents of these two Communist documents is necessary for adequate understanding of the current tactics of Communism.

The Special Committee on Communist Tactics, Strategy and Objectives therefore submits this report upon the two documents, copies of which are attached hereto as Appendices A and B.

## Blueprint For Disruption: The Meaning Of "Peaceful Co-Existence"

What are the immediate objectives of the Communists? How do they propose to achieve them?

The Communists themselves have answered and reaffirmed their stand on these questions in two recent documents, reproduced at the end of this report. The first is the Communist Manifesto of 1960, which is entitled *Statement by 81 Marxist-Leninist Parties* adopted unanimously in Moscow on December 5, 1960 at a meeting of Communist parties. The January, 1961 issue of *Political Affairs*—theoretical magazine of the Communists in the U. S.—published this manifesto, calling it an "historic document." The second document is the report on this statement by Nikita Khrushchev, delivered at a top-level Russian Communist meeting on January 6, 1961.

The free world once ignored the plans of Hitler as revealed clearly in *Mein Kampf* until it was too late to prevent World War II. We face a greater danger now. We must not ignore what the Communists now say and long have said they are going to do.

As a hymn of hate against America, the 81-Party Statement has no equal. It is also a pronouncement of the current party-line to Communists and their followers in all countries.

The party-line is a program of strategy and tactics that may change from time to time to meet changing circumstances. It may disguise, conceal, or restate the basic doctrines of world Communism. However, the fundamental ideology called "Marxism-Leninism" is a program for world domination and control by the Communists. It always remains constant. This is evident in the statement from repeated declarations of adherence to such ideology. Khrushchev said—

"... if anyone thinks we shall forget about Marx, Engels and Lenin, he is mistaken. This will happen when shrimps learn to whistle."

Marxism-Leninism is a program of dictatorship and revolution. It teaches

that the conquest of the world by Communism is historically inevitable. The statement says,

"Whatever efforts imperialism makes, it cannot stop the advance of history."

Communism declares that the peoples of the world (the masses) are incapable of selecting the leadership to attain this inexorable outcome. World command must therefore be assumed by a disciplined political army or "revolutionary vanguard," the Communist Party. Communists consider themselves obligated to stop at nothing in advancing their "march of history." Khrushchev said, in his speech of January 6, 1961,

"Communists are revolutionaries, and it would be a bad thing if they did not take advantage of new opportunities that arose and found new methods and forms providing the best way to achievement of the ends in view."

Communists recognize that whatever the free world does in self-defense, in preventing aggression, or even in giving aid to backward countries, may prevent Communist subversion and conquest; therefore, they declare it evil. When Communists take over an unwilling country or suppress a popular uprising by force of arms they call it a "war of liberation" and a "just" war; but, when a country takes up arms to defend itself or its neighbor from a Communist invasion, it is an "imperialist" or "unjust" war. Everything has the infantile simplicity of a western movie: they are the "good guys," we are the "bad guys." At the end of the show, they assert, we will be buried, the minds of all people will be under Communist thought-control, the human race will be cleansed of our wickedness, and peace under Communism will reign forever. Khrushchev said on January 6.

"The time is not far away when Marxism-Leninism will possess the

*minds of a majority of the world's population."*

This is what the Communists mean when they say they are fighting for "peace." Those who don't like this kind of "peace" will be "buried."

We are described in the statement as follows:

"U. S. imperialism is the main force of aggression and war . . . The imperialist forces of the U.S.A., Britain and France have made a criminal deal with West-German imperialism . . . The Bonn state has become the chief enemy of peaceful coexistence, disarmament and relaxation of tension in Europe . . . The U. S. imperialists are also busy reviving the hotbed of war in the Far East . . . threatening Cuba with aggression and interfering in the affairs of the peoples of Latin America, Africa and the Middle East. The U. S. imperialists strive to create new seats of war in different parts of the world."

They are described in the statement as follows:

"The socialist camp is a social, economic and political community of free and sovereign peoples united by the close bonds of international socialist solidarity, by common interests and objectives, and following the path of socialism and communism. It is an inviolable law of the mutual relations between socialist countries strictly to adhere to the principles of Marxism-Leninism and socialist internationalism. Every country in the socialist camp is ensured genuinely equal rights and independence . . . The Marxist-Leninist Parties head the struggle of the working class, the masses of working people, for the accomplishment of the socialist revolution and the establishment of the dictatorship of the proletariat . . . The Communist and Workers' Parties unanimously declare that the Communist Party of the Soviet Union has been, and remains, the universally recognized vanguard of the world Communist movement . . . The historic decisions of the 20th Congress of the C.P.S.U. have initiated a new stage in the world Communist movement, and have promoted its development on the basis of Marxism-Leninism."

These declarations are a part of the never-changing basic Communist doctrine.

The party-line, however, is concerned with tactics which shift according to the internal and external conditions of the moment. It includes the tactics and slogans to be used by the Party in manipulating outsiders, and the immediate tactical goals that the Party wants to attain. It may reflect a very broad range of subjects, including the state of the free world, the inner politics of the Party, the economic problems of the Soviet Union, unrest in the satellite countries, military considerations, changes in the balance of power, opportunistic estimates of possible gains or losses, feelings of security or fear, the discovery of a new weapon or counter-measure, decisions whether to consolidate and digest past conquests or to probe for new conquests. In the past, we have seen demands for revolutions alternate with "united front" tactics. We have seen the assassination of Trotsky, the slaughter of the old Bolsheviks, and the liquidation of the Beria group followed by a pseudo-liberal period of "de-Stalinization," followed in turn by the slaughter of the Hungarian patriots. We have seen a "friendly," folksy visitor named Khrushchev become a shoe-beating vulgarian trying to coerce and terrify the free world. We now see the kangaroo courts and firing squads of Dr. Castro, who formerly posed as the defender of freedom and civil liberty. We have seen the overt enmity for the West replaced successively by "collective security" against Hitler, the Hitler-Stalin pact, the East-West alliance, the "peace and friendship pact" era, Iron-Curtainism, and now "peaceful coexistence" complete with rocket-rattling. These, and many other tactical zigs and zags, represent shifts in the party-line.

The current party-line is found in the 81-Party Statement. It is written in party jargon, in which the key words have two meanings. In their ordinary sense, they convey a friendly message to outsiders; in party jargon the words have a very different meaning. The Communists thus combine political directives and propaganda in a single document.

Here is a short dictionary of key words and their jargon meanings used by Communists:

Democracy: Communism

Peace: Communist world domination

Socialist: Communist

Bourgeois: non-Communist

Communism: the terminal condition when non-Communist modes of thought will have been completely suppressed and forgotten.

Capitalism: any non-Communist system, including democracy.

Imperialism: a non-Communist system actively opposing the spread of Communism, especially the U. S. A.

Colonialism: any foreign aid extended by a non-Communist country.

Liberation: the seizure of a non-Communist country by Communists.

Working class: a Communist party, or the world Communist parties collectively.

Independence: Submission to Communist control.

Working people: Communist sympathizers, or non-Communists under Party influence.

The statement heralds a period of "united front" tactics for the promotion of specific ends. The term "united front" denotes a technique of promoting temporary alliances with non-Communist and even anti-Communist groups in the age old strategy of "Divide and Conquer." Khrushchev emphasizes this as one of the main points of the Manifesto:

"The statement directs maximum utilization of the revolutionary capabilities of the various classes and social strata, drawing into the struggle against imperialism all, even inconsistent, wavering unsteady allies."

The statement declares, "No political, religious or other differences should be an obstacle." Thus, though Communism is dedicated to the destruction of religion and non-Communist political thought, the statement directs the formation of opportunistic alliances

even with church groups and "enemy" parties.

The statement is explicit that the purpose of such alliances is to subvert the deterrent power of the countries opposed to Communism:

"The time has come when the attempts of the imperialist aggressors to start a world war can be curbed. World war can be prevented by the joint efforts of the world socialist camp, the international working class, the national liberation movement, all the countries opposing war and all peace loving forces . . . The policy of peaceful coexistence is also favored by a definite section of the bourgeoisie of the developed capitalist countries . . . The broadest possible united front of peace supporters, fighters against the imperialist policy of aggression and war inspired by U. S. imperialism, is essential to preserve world peace . . . The struggle against the threat of a new war must be waged now and not when atom and hydrogen bombs begin to fall, and it must gain in strength from day to day."

A united front is to be organized in support of "peace." We are witnessing "peace marches," "peace organizations," "peace demonstrations," "peace fighters," "peace propaganda." The world has seen this before, notably during the Hitler-Stalin Pact period, when Communist-led Hitler-supporting pickets marched around the White House denouncing Lend-Lease, aid to Britain and U. S. rearmament.

What do the Communists mean by "peaceful coexistence?" The statement answers that question:

"Peaceful coexistence of states does not imply renunciation of the class struggle . . . The coexistence of states with different social systems is a form of class struggle between socialism and capitalism. In conditions of peaceful coexistence favorable opportunities are provided for the development of the class struggle in the capitalist countries. Peaceful coexistence . . . does not mean conciliation of the socialist and bourgeois ideologies. On the contrary, it implies intensification of the struggle of the working class, of all the Communist Parties, for the triumph

of socialist ideas."

In this respect the statement declares a principle first stated by Lenin, who said that

"every 'peace programme' is a deception of the people and a piece of hypocrisy unless its principal object is to explain to the masses the need for a revolution, and to support and develop the revolutionary struggle of the masses that is starting everywhere."

In line with that Leninist principle, Khrushchev made it clear that "peace" includes certain kinds of war, when he said on January 6:

"Now a word about national liberation wars . . . Such wars are not only admissible but inevitable . . . The peoples can obtain their freedom and independence only by struggle, including armed struggle . . . What is the attitude of the Marxists toward such uprisings? A most positive one . . . The Communists fully support such just wars and march in the front rank with the peoples waging liberation struggles."

The meaning of "peaceful coexistence" is thus made clear to Communists throughout the world, though the phrase is intended to convey the opposite meaning to the people in the free world. Underground Communist parties in non-Communist countries will "fight for peace" by creating disorder and disunity and preventing effective defense. The Soviet Union and its satellite powers will then be able to intervene in "just" wars started by Communists, with minimum risk of effective opposition or deterrent action. The statement says,

"In the opinion of Communists the tasks which must be accomplished . . . are to stop the arms race, ban nuclear weapons, their tests and production, dismantle foreign war bases and withdraw foreign troops from other countries, disband military blocs, conclude a peace treaty with (East) Germany, turn West Berlin into a demilitarized (East-German) free city, thwart the designs of the West German revanchists, and prevent the revival of Japanese militarism."

The main object of the "united front" attack is to weaken and de-

stroy the free world's system of defensive alliances:

"The U. S. imperialists, together with . . . Britain, France and West Germany, have drawn many countries into NATO, CENTO, SEATO and other military blocs . . . enmeshed the so-called 'free world' . . . in a network of military bases . . . The existence of these blocs and bases endangers universal peace and security and not only encroaches on the sovereignty but also imperils the very life of those countries which put their territory at the disposal of the U. S. . ."

This propaganda is intended to intimidate and split the West. Communists are instructed to spread the word that by remaining allied with the other nations of the free world, free countries imperil their own existence. Communist leaders and their dupes have already organized demonstrations to pressure democratic governments to withdraw from mutual defense pacts and to close down allied military and naval bases, thus weakening their own defenses.

The current party-line for the United States includes building opposition to defense budgets.

" . . . it is necessary to promote a broad mass movement, for the use of funds and resources to be released through disarmament for the needs of civilian production, housing, health, public education, social security, scientific research, etc. . . By an active and resolute struggle, the imperialists must be made to meet this demand of the peoples."

The main theme of the doctrine of peaceful coexistence is to postpone general war, meanwhile seeking territorial and political gains through internal subversion, local intervention and irregular or brush-fire combat. The Communists hope in this manner to make headway at little or no cost to themselves. The line thus resembles the "peace offensive" of the latter 1940's.

The U. S. then held an atomic monopoly; but the "peace" movement organized in Europe furnished a shield under which the Soviets committed acts of aggression without provoking a general war they would only lose. Thus, through the 81-Party Statement,

the Soviet Union, sole Communist possessor of "the bomb," serves notice to the Communist World that while the Soviet Union may support local action and brush fire wars in their behalf, it will not under present circumstances encourage or permit steps that in its judgment will result in general war. Khrushchev made this point when he said:

"We always seek to direct the development of events in a way which insures that, while defending the interest of the Soviet Camp, we do not provide the Imperialist provocateurs with a chance to unleash a new World War."

Is there any method of countering this "united front" technique? The 81-Party Statement even has an answer to this question:

"The reactionaries' effort to break up the national front under the slogan of 'anti-Communism' and to isolate the Communists . . . is contrary to the national interests of the people and is fraught with the loss of national gains."

Our watchword, then, is "Isolate the Communists."

Communists lose influence when they are identified. An exposed Communist is a known enemy of his own country; he is thus isolated from those he would deceive and beguile into his "united front." Therefore, Communists generally conceal their affiliation. They hide and claim the protection of the civil liberties they would deny to others and which they have abolished in every country they rule.

The party-line loses its effect when it is recognized as propaganda and

its true meaning is understood. The party-line must be exposed, and so explained that it will be understood by the citizens of the free world as well as by the Party elite. Our people must understand that in party jargon "peace" means "universal Communism," and "peaceful coexistence," means "intensification of the struggle . . . of all the Communist Parties . . . for the triumph of socialist ideas." When this is understood, we will not be misled into Communist "peace" movements, "anti-imperialist" maneuvers, "anti-war" organizations, and campaigns against our national security.

To isolate the Communists and their party-line, we must have an alert, informed and active citizenry.

The Party Statement announces that the ultimate goal of Communism is universal thought control, called "the complete emancipation of the minds of the people from the survivals of bourgeois ideology."

Our people must insist upon and support bold new actions by the free world to defeat this announced goal.

Widespread knowledge of the Communists' tactics, strategy and objectives is essential to national survival.

Respectfully submitted,

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## **Appendices A and B**

## Appendix A

### Statement By 81 Marxist-Leninist Parties\*

Representatives of the Communist and Workers' Parties have discussed at this Meeting urgent problems of the present international situation and of the further struggle for peace, national independence, democracy and socialism.

The Meeting has shown unity of views among the participants on the issues discussed. The Communist and Workers' Parties have unanimously reaffirmed their allegiance to the Declaration and Peace Manifesto adopted in 1957. These program documents of creative Marxism-Leninism determined the fundamental positions of the international Communist movement on the more important issues of our time and contributed in great measure toward uniting the efforts of the Communist and Workers' Parties in the struggle to achieve common goals. They remain the banner and guide to action for the whole of the international Communist movement.

The course of events in the past three years has demonstrated the correctness of the analysis of the international situation and the outlook for world development as given in the Declaration and Peace Manifesto, and the great scientific force and effective role of creative Marxism-Leninism.

*The chief result of these years is the rapid growth of the might and international influence of the world socialist system, the vigorous process of disintegration of the colonial system under the impact of the national-liberation movement, the intensification of class struggles in the capitalist world, and the continued decline and decay of the world capitalist system. The superiority of the forces of socialism over those of imperialism, of the forces of peace over those of war,*

*is becoming ever more marked in the world arena.*

Nevertheless, imperialism, which is intent on maintaining its positions, sabotages disarmament, seeks to prolong the cold war and aggravate it to the utmost, and persists in preparing a new world war. This situation demands ever closer joint efforts and resolute actions on the part of the socialist countries, the international working class, the national anti-imperialist movement, all peace-loving countries and all peace champions, to prevent war and assure a peaceful life for people. It demands the further consolidation of all revolutionary forces in the fight against imperialism, for national independence, and for socialism.

#### I

Our time, whose main content is the transition from capitalism to socialism initiated by the Great October Socialist Revolution, is a time of struggle between the two opposing social systems, a time of socialist revolutions and national-liberation revolutions, a time of the breakdown of imperialism, of the abolition of the colonial system, a time of transition of more peoples to the socialist path, of the triumph of socialism and communism on a world-wide scale.

*It is the principal characteristic of our time that the world socialist system is becoming the decisive factor in the development of society.*

The strength and invincibility of socialism have been demonstrated in recent decades in titanic battles between the new and old worlds. Attempts by the imperialists and their shock force—fascism—to check the course of historical development by force of arms ended in failure. Imperialism proved powerless to stop the socialist revolutions in Europe and Asia. Socialism became a world system. The imperialists tried to hamper the economic progress of the socialist countries, but their schemes were foiled. The imperialists did all in their power to preserve the system of colonial slavery, but that system is falling apart. As the world socialist system grows stronger, the international situation changes more and more in favor of

\* Representatives of 81 Communist and Workers' Parties consulted together for an extended period of time in November, 1960. On December 5, 1960, these Parties unanimously adopted a Statement; this historic document is printed in full in the following pages in an authorized translation.—The Editor, *Political Affairs*

the peoples fighting for independence, democracy and social progress.

*Today it is the world socialist system and the forces fighting against imperialism, for a socialist transformation of society, that determine the main content, main trend and main features of the historical development of society. Whatever efforts imperialism makes, it cannot stop the advance of history. A reliable basis has been provided for further decisive victories for socialism. The complete triumph of socialism is inevitable.*

The course of social development proves right Lenin's prediction that the countries of victorious socialism would influence the development of world revolution chiefly by their economic construction. Socialism has made unprecedented constructive progress in production, science and technology and in the establishment of a new, free community of people, in which their material and spiritual requirements are increasingly satisfied. The time is not far off when socialism's share of world production will be greater than that of capitalism. Capitalism will be defeated in the decisive sphere of human endeavor, the sphere of material production.

The consolidation and development of the socialist system exert an ever-increasing influence on the struggle of the peoples in the capitalist countries. By the force of its example, the world socialist system is revolutionizing the thinking of the working people in the capitalist countries; it is inspiring them to fight against capitalism, and is greatly facilitating that fight. In the capitalist countries the forces fighting for peace and national independence and for the triumph of democracy and the victory of socialism, are gaining in numbers and strength.

The world capitalist system is going through an intense process of disintegration and decay. Its contradictions have accelerated the development of monopoly capitalism into state-monopoly capitalism. By tightening the monopolies' grip on the life of the nation, state-monopoly capitalism closely combines the power of the monopolies' with that of the state with the aim of saving the capitalist system and increasing the profits of the imperialist bourgeoisie to the utmost by exploiting the working class and plundering large sections of the population.

But no matter what methods it resorts to, the monopoly bourgeoisie cannot rescue capitalism. The interests

of a handful of monopolies are in irreconcilable contradiction to the interests of the entire nation. The class and national antagonisms, and the internal and external contradictions of capitalist society, have sharpened greatly. Attempts to prop the decayed pillars of capitalism by militarism are aggravating these contradictions still further.

Never has the conflict between the productive forces and relations of production in the capitalist countries been so acute. Capitalism impedes more and more the use of the achievements of modern science and technology in the interests of social progress. It turns the discoveries of human genius against mankind itself by converting them into formidable means of destructive warfare.

The instability of capitalist economy is growing. Although production in some capitalist countries is increasing to some degree or other, the contradictions of capitalism are becoming more acute on a national as well as international scale. Some capitalist countries are faced with the threat of new economic upheavals while still grappling with the consequences of the recent economic crisis. The anarchical nature of capitalist production is becoming more marked. Capitalist concentration is assuming unprecedented dimensions, and monopoly profits and superprofits are growing. Monopoly capital has greatly intensified the exploitation of the working class in new forms, above all through intensification of labor. Automation and "rationalization" under capitalism bring the working people further calamities. Only by a stubborn struggle has the working class in some countries succeeded in winning a number of its pressing demands. In many capitalist countries, however, the standard of life is still below pre-war. Despite the promises made by the bourgeoisie, full employment was provided only in some of the capitalist countries, and only temporarily. The domination of the monopolies is causing increasing harm to the interests of the broad peasant masses and large sections of the small and middle bourgeoisie. In the capitalist countries, including some of the more developed, economically under-developed areas still exist where the poverty of the masses is appalling, and these, moreover, continue to expand.

These facts once again refute the lies which bourgeois ideologists and

revisionists spread to the effect that modern capitalism has become "people's capitalism," that it has established a so-called "welfare state" capable of over-coming the anarchy of production and economic crisis and assuring well-being for all working people.

The uneven course of development of capitalism is continuously changing the balance of forces between the imperialist countries. The narrower the sphere of imperialist domination, the stronger the antagonisms between the imperialist powers. The problem of markets has become more acute than ever. The new inter-state organizations which are established under the slogan of "integration" actually lead to increased antagonisms and struggle between the imperialist countries. They are new forms of division of the world capitalist market among the biggest capitalist combines, of penetration by stronger imperialist states of the economy of their weaker partners.

The decay of capitalism is particularly marked in the United States of America, the chief imperialist country of today. U. S. monopoly capital is clearly unable to use all the productive forces at its command. The richest of the developed capitalist countries of the world—the United States of America—has become a land of especially big chronic unemployment. Increasing under-capacity operation in industry has become permanent in that country. Despite the enormous increase in military appropriations, which is achieved at the expense of the standard of life of the working people, the rate of growth of production has been declining in the post-war years and has been barely above the growth of population. Over-production crises have become more frequent. The most developed capitalist country has become a country of the most distorted, militarized economy. More than any other capitalist country, the United States drains Asia, and especially Latin America, of their riches, holding up their progress. U.S. capitalist penetration into Africa is increasing. *U.S. imperialism has become the biggest international exploiter.*

The U.S. imperialists seek to bring many states under their control, by resorting chiefly to the policy of military blocs and economic "aid." They violate the sovereignty of developed capitalist countries as well. The dominant monopoly bourgeoisie in the more developed capitalistic countries, which

has allied itself with U.S. imperialism, sacrifices the sovereignty of their countries, hoping with support from the U.S. imperialists to crush the revolutionary liberation forces, deprive the working people of democratic freedoms and impede the struggle of the masses for social progress. U.S. imperialism involves those countries in the arms race, in a policy of preparing a new war of aggression and carrying on subversive activities against socialist and neutral countries.

The pillars of the capitalist system have become so decayed that the ruling imperialist bourgeoisie in many countries can no longer resist on its own the forces of democracy and progress which are gaining in scope and strength. The imperialists form military-political alliances under U.S. leadership to fight in common against the socialist camp and to strangle the national-liberation, working-class and socialist movements. *International developments in recent years have furnished many new proofs of the fact that U.S. imperialism is the chief bulwark of world reaction and an international gendarme, that it has become an enemy of the peoples of the whole world.*

The system of military blocs set up by the United States is being weakened both by the struggle going on between their members and as a result of the struggle which the people are waging for the abolition of these blocs. The U.S. imperialists seek to strengthen aggressive blocs, which causes increased resistance on the part of the people. The United States remains the main economic, financial and military force of modern imperialism, although its share in capitalist economy is diminishing. The British and French imperialists are making stubborn efforts to uphold their positions. The monopolies of West Germany and Japan, which have recovered their might and which are closely linked with the U.S. monopolies, are stepping up expansion. The West German monopolies, in pursuing their imperialist policy, seek more and more to exploit the underdeveloped countries.

The peoples are rising with growing determination to fight imperialism. A great struggle is getting under way between the forces of labor and capital, of democracy and reaction, of freedom and colonialism. The victory of the popular revolution in Cuba has become a splendid example for the peoples of Latin America. An anti-colonial move-

ment for freedom and national independence is expanding irresistibly in Africa. The anti-imperialist national up-rising in Iraq has been crowned with success. A powerful movement of the people against the Japanese-U.S. military alliance, for peace, democracy and national independence, is under way in Japan. Vigorous actions by the masses in Italy in defence of democracy show the militant resolve of the working people. The struggle for democracy, against the reactionary regime of personal power, is gathering momentum in France. There have been big working-class strikes in the U.S.A., Argentina, Uruguay, Chile, India, Britain, Canada, Belgium and other capitalist countries. The actions of the Negro people in the United States for their fundamental rights are assuming a mass character. There is a growing desire to unite the national forces against the fascist dictatorships in Spain and Portugal, and the democratic movement is gaining strength in Greece. Tyrannical military regimes have been overthrown in Colombia and Venezuela, a blow has been dealt to frankly pro-American puppet governments in South Korea and Turkey. A national-democratic movement, directed against the U.S. imperialists and their flunkies, is developing in South Vietnam and Laos. The Indonesian people are doing away with the economic positions the imperialists still retain in that country, particularly the positions held by the Dutch colonialists. The mass movement in defence of peace is gaining ground in all continents. All this is graphic evidence that the tide of anti-imperialist, national-liberation, anti-war and class struggles is rising ever higher.

*A new stage has begun in the development of the general crisis of capitalism.* This is shown by the triumph of socialism in a large group of European and Asian countries embracing one-third of mankind, the powerful growth of the forces fighting for socialism throughout the world and the steady weakening of the imperialists' positions in the economic competition with socialism; the tremendous new upsurge of the national-liberation struggle and the mounting disintegration of the colonial system; the growing instability of the entire world economic system of capitalism; the sharpening contradictions of capitalism resulting from the growth of state-monopoly capitalism and militarism; the increas-

ing contradictions between monopolies and the interests of the nation as a whole; the curtailment of bourgeois democracy and the tendency to adopt autocratic and fascist methods of government; and a profound crisis in bourgeois politics and ideology. This stage is distinguished by the fact that it has set in not as a result of the world war, but in the conditions of competition and struggle between the two systems, an increasing change in the balance of forces in favor of socialism, and a marked aggravation of all the contradictions of imperialism. It has taken place at a time when a successful struggle by the peace-loving forces to bring about and promote peaceful co-existence has prevented the imperialist from undermining world peace by their aggressive actions, and in an atmosphere of growing struggle by the broad masses of the people for democracy, national liberation and socialism.

All the revolutionary forces are rallying against imperialist oppression and exploitation. The peoples who are building socialism and communism, the revolutionary movement of the working class in the capitalist countries, the national-liberation struggle of the oppressed peoples and the general democratic movement—these great forces of our time are merging into one powerful current that undermines and destroys the world imperialist system. The central factors of our day are the international working class and its chief creation, the world socialist system. They are an earnest of victory in the struggle for peace, democracy, national liberation, socialism and human progress.

## II

*A new stage has begun in the development of the world socialist system. The Soviet Union is successfully carrying on the full-scale construction of a communist society. Other countries of the socialist camp are successfully laying the foundations of socialism, and some of them have already entered the period of construction of a developed socialist society.*

The socialist system as a whole has scored decisive victories. These victories signify the triumph of Marxism-Leninism; they show clearly to all the peoples who are under the domination of capital that a society based on this science opens up immense op-

opportunities for the fullest development of economy and culture, for the provision of a high standard of living and a peaceful and happy life for people.

The Soviet people, successfully carrying out the Seven-Year Economic Development Plan, are rapidly building up a material and technical basis for communism. Soviet science has ushered in what is virtually a new era in the development of world civilization; it has initiated the exploration of outer space, furnishing impressive evidence of the economic and technical might of the socialist camp. The Soviet Union is the first country in history to be blazing a trail to communism for all mankind. It is the most striking example and most powerful bulwark for the peoples of the world in their struggle for peace, democratic freedoms, national independence and social progress.

The people's revolution in China dealt a crushing blow at the positions of imperialism in Asia and contributed in great measure to the balance of the world forces changing in favor of socialism. By giving a further powerful impetus to the national-liberation movement, it exerted tremendous influence on the peoples, especially those of Asia, Africa and Latin America.

The people's democratic republics of Albania, Bulgaria, Hungary, the German Democratic Republic, the Democratic Republic of Viet Nam, China, the Korean People's Democratic Republic, Mongolia, Poland, Rumania and the Czechoslovak Socialist Republic, which, together with the great Soviet Union, form the mighty socialist camp, have within a historically short period made remarkable progress in socialist construction.

People's government in these countries has proved its unshakable solidity. Socialist relations of production predominate in the national economy; the exploitation of man by man has been abolished forever, or is being abolished. The success of the policy of socialist industrialization has led to a great economic upsurge in the socialist countries, which are developing their economy much faster than the capitalist countries. All these countries have established a developed industry; agrarian in the past, they have become, or are becoming, industrial-agrarian countries.

In recent years all the People's Democracies have solved, or have been

successfully solving, the most difficult problem of socialist construction, that of transferring the peasantry, on a voluntary basis, from the road of small private farming to the road of large-scale co-operative farming on socialist lines. Lenin's co-operative plan has proved its great vitality both for countries where the peasants' attachment to private land ownership was a long-standing tradition and for countries that have recently put an end to feudal relations. The fraternal alliance of workers and peasants, which is led by the working class, and the maintenance and consolidation of which is, as Lenin taught, a supreme principle of the dictatorship of the proletariat, has grown stronger. In the course of socialist construction this alliance of two classes of working people, which constitutes the political foundation of the socialist system, develops continuously, and further strengthens people's rule under the leadership of the working class and promotes the socialist reorganization of agriculture in accordance with the Leninist principle of voluntary co-operation of the peasantry.

Historic changes have taken place in the social structure of society. The classes of landlords and capitalists no longer exist in the People's Democracies. The working class has become the main force of society; its ranks are growing; its political consciousness and maturity have increased. Socialism has delivered the peasantry from age-long poverty and has made it an active force in social progress. A new, socialist intelligentsia, flesh of the flesh of the working people, is arising. All citizens have free access to knowledge and culture. Socialism has thus created not only political but material conditions for the cultural development of society, for the all-round and complete development of the gifts and abilities of man. The standard of life of the people is improving steadily thanks to economic progress.

An unbreakable alliance of the working people of all nationalities has formed and has been consolidated in multi-national socialist states. The triumph of Marxist-Leninist national policy in the socialist countries, genuine equality of nationalities, and their economic and cultural progress serve as an inspiring example for the peoples fighting against national oppression.

In the People's Democracies, socialist ideology has achieved notable successes

in its struggle against bourgeois ideology. It is a long struggle that will go on until the complete emancipation of the minds of people from the survivals of bourgeois ideology.

The moral and political unity of society, which for the first time in history has come into existence and firmly established itself in the Soviet Union, is growing now in the other socialist countries as well. This makes it possible to use the creative energy of free workers most effectively for promoting the growth of the productive forces and the prosperity of socialist society.

Socialist society is improving steadily and becoming more and more mature; day after day it gives rise to a Communist attitude to labor and other elements of the future Communist society. The methods of socialist economic management and economic planning are steadily improving. Socialist democracy continues to develop; the masses are playing an increasing role in directing economic and cultural development; certain functions of the state are being gradually transferred to public organizations.

*Today the restoration of capitalism has been made socially and economically impossible not only in the Soviet Union, but in the other socialist countries as well. The combined forces of the socialist camp reliably safeguard every socialist country against encroachments by imperialist reaction. Thus the rallying of the socialist states in one camp and the growing unity and steadily increasing strength of this camp ensure complete victory for socialism within the entire system.*

Thanks to the heroic effort of the working class and the peasantry and to the tremendous work of the Communist and Workers' Parties, most favorable objective opportunities have been provided in the past years for the further rapid development of the productive forces, for gaining the maximum time and achieving victory for the socialist countries in peaceful economic competition with capitalism. The Marxist-Leninist Parties heading the socialist countries consider it their duty to make proper use of these opportunities.

Having achieved major victories and withstood serious tests, the Communist Parties have gained ample and varied experience in directing socialist construction. The socialist countries and the socialist camp as a whole owe

their achievements to the proper application of the general objective laws governing socialist construction, with due regard to the historical peculiarities of each country and to the interests of the entire socialist system; they owe them to the efforts of the peoples of those countries, to their close fraternal co-operation and mutual internationalist assistance, and above all, to the fraternal, internationalistic assistance from the Soviet Union.

The experience of development of the socialist countries is added evidence that mutual assistance and support, and utilization of all the advantages of unity and solidarity among the countries of the socialist camp, are a primary international condition for their achievements and successes. Imperialist, renegade and revisionist hopes of a split within the socialist camp are built on sand and doomed to failure. All the socialist countries cherish the unity of the socialist camp like the apple of their eye.

The world economic system of socialism is united by common socialist relations of production and is developing in accordance with the economic laws of socialism. Its successful developments requires consistent application, in socialist construction, of the law of planned, proportionate development; encouragement of the creative initiative of the people; continuous improvement of the system of international division of labor through the coordination of national economic plans, specialization and co-operation in production within the world socialist system on the basis of voluntary participation, mutual benefit and vigorous improvement of the scientific and technological standard. It requires study of collective experience; extended co-operation and fraternal mutual assistance; gradual elimination, along these lines, of historical differences in the levels of economic development, and the provision of a material basis for a more or less simultaneous transition of all the peoples of the socialist system to communism.

Socialist construction in the various countries is a source of collective experience for the socialist camp as a whole. A thorough study of this experience by the fraternal parties, and its proper utilization and elaboration with due regard to specific conditions and national peculiarities are an immutable law of the development of every socialist country.

In developing industrial and agricultural production in their countries at a high rate in keeping with the possibilities they have, the Communist and Workers' Parties of the socialist countries consider it their internationalist duty to make full use of all the advantages of the socialist system and the internal resources of every country to carry out, by joint effort and as speedily as possible, the historic task of surpassing the world capitalist system in over-all industrial and agricultural production and then outstrip the economically most developed capitalist countries in per capita output and in the standard of living. To carry out this task, it is necessary steadily to improve political and economic work, continuously to improve the methods of economic management and to run the socialist economy along scientific lines. This calls for higher productivity of labor to be achieved through continuous technical progress, economic planning, strict observance of the Leninist principle of providing material incentives and moral stimuli to work for the good of society by heightening the political consciousness of the people, and for control over the measure of labor and consumption.

To provide a material basis for the transition of the socialist countries to communism, it is indispensable to achieve a high level of production through the use of the latest techniques, electrification of the national economy, and mechanization and automation of production, without which it is impossible to provide the abundance of consumer goods required by a communist society. On this basis, it is necessary to develop communist social relations, vigorously promote the political consciousness of the people and educate the members of the new, communist society.

The socialist camp is a social, economic and political community of free and sovereign peoples united by the close bonds of international socialist solidarity, by common interests and objectives, and following the path of socialism and communism. It is an inviolable law of the mutual relations between socialist countries strictly to adhere to the principles of Marxism-Leninism and socialist internationalism. Every country in the socialist camp is ensured genuinely equal rights and independence. Guided by the principles of complete equality, mutual advantage and comradely mutual assistance, the socialist states improve their all-round

economic, political and cultural co-operation, which meets both the interests of each socialist country and those of the socialist camp as a whole.

One of the greatest achievements of the world socialist system is the practical confirmation of the Marxist-Leninist thesis that national antagonisms diminish with the decline of class antagonisms. In contrast to the laws of the capitalist system, which is characterized by antagonistic contradictions between classes, nations and states leading to armed conflicts, there are no objective causes in the nature of the socialist system for contradictions and conflicts between the peoples and states belonging to it. Its development leads to greater unity among the states and nations and to the consolidation of all the forms of co-operation between them. Under socialism, the development of national economy, culture and statehood goes hand in hand with the strengthening and development of the entire world socialist system, and with an ever greater consolidation of the unity of nations. The interests of the socialist system as a whole and national interests are harmoniously combined. It is on this basis that the moral and political unity of all the peoples of the great socialist community has arisen and has been growing. Fraternal friendship and mutual assistance of peoples, born of the socialist system, have superseded the political isolation and national egoism typical of capitalism.

The common interests of the peoples of the socialist countries and the interests of peace and socialism demand the proper combination of the principles of socialist internationalism and socialist patriotism in politics. Every Communist Party which has become the ruling party in the state, bears historical responsibility for the destinies of both its country and the entire socialist camp.

The Declaration of 1957 points out quite correctly that undue emphasis on the role of national peculiarities and departure from the universal truth of Marxism-Leninism regarding the socialist revolution and socialist construction prejudice the common cause of socialism. The Declaration also states quite correctly that Marxism-Leninism demands creative application of the general principles of socialist revolution and socialist construction depending on the specific historical conditions in the country concerned, and does not permit of a mechanical copy-

ing of the policies and tactics of the Communist Parties of other countries. Disregard of national peculiarities may lead the party of the proletariat to being isolated from reality, from the masses, and many injure the socialist cause.

Manifestations of nationalism and national narrow-mindedness do not disappear automatically with the establishment of the socialist system. If fraternal relations and friendship between the socialist countries are to be strengthened, it is necessary that the Communist and Workers' Parties pursue a Marxist-Leninist internationalist policy, that all working people be educated in a spirit of internationalism and patriotism, and that a resolute struggle be waged to eliminate the survivals of bourgeois nationalism and chauvinism.

*The Communist and Workers' Parties tirelessly educate the working people in the spirit of socialist internationalism and intolerance of all manifestations of nationalism and chauvinism. Solid unity of the Communist and Workers' Parties and of the peoples of the socialist countries, and their loyalty to Marxism-Leninism are the main source of the strength and invincibility of each socialist country and the socialist camp as a whole.*

In blazing a trail to communism, the peoples of the socialist countries are creating a prototype of a new society for all mankind. The working people of the capitalist world are following the constructive effort of the builders of socialism and communism with keen interest. This makes the Marxist-Leninist Parties and the peoples of the socialist countries accountable to the international working-class movement for the successful building of socialism and communism.

The Communist and Workers' Parties see it as their task indefatigably to strengthen the great socialist community of nations, whose international role in and influence upon the course of world events are growing from year to year.

*The time has come when the socialist states have, by forming a world system, become an international force exerting a powerful influence on world development. There are now real opportunities of solving cardinal problems of modern times in a new way, in the interest of peace, democracy and socialism.*

The problem of war and peace is the most burning problem of our time.

War is a constant companion of capitalism. The system of exploitation of man by man and the system of extermination of man by man are two aspects of the capitalist system. Imperialism has already inflicted two devastating world wars on mankind and now threatens to plunge it into an even more terrible catastrophe. Monstrous means of mass annihilation and destruction have been developed which, if used in a new war, can cause unheard-of destruction to entire countries and reduce key centers of world industry and culture to ruins. Such a war would bring death and suffering to hundreds of millions of people, among them people in countries not involved in it. Imperialism spells grave danger to the whole of mankind.

The peoples must now be more vigilant than ever. As long as imperialism exists there will be soil for wars of aggression.

*The peoples of all countries know that the danger of a new world war still persists. U.S. imperialism is the main force of aggression and war. Its policy embodies the ideology of militant reaction. The U.S. imperialists, together with the imperialists of Britain, France and West Germany, have drawn many countries into NATO, CENTO, SEATO and other military blocs under the guise of combating the "communist menace;" it has enmeshed the so-called "free world," that is, capitalist countries which depend on them, in a network of military bases spearheaded first and foremost against the socialist countries. The existence of these blocs and bases endangers universal peace and security and not only encroaches upon the sovereignty but also imperils the very life of those countries which put their territory at the disposal of the U.S. militarists.*

The imperialist forces of the U.S.A., Britain and France have made a criminal deal with West-German imperialism. In West Germany, militarism has been revived and the restoration is being pushed ahead of a vast regular army under the command of Hitler generals, which the U.S. imperialists are equipping with nuclear and rocket weapons and other modern means of mass annihilation, a fact which draws emphatic protests from the peace-loving peoples. Military bases are being provided for this aggressive army in France and other West-European countries. The threat to peace and the security of the European nations from

West-German imperialism, is increasing. The West-German revenge-seekers openly declare their intention to revise the borders established after the Second World War. Like the Hitler clique in its day, the West-German militarists are preparing war against the socialist and other countries of Europe, and strive to effect their own aggressive plans. West Berlin has been transformed into a seat of international provocation. The Bonn state has become the chief enemy of peaceful coexistence, disarmament and relaxation of tension in Europe.

The aggressive plans of the West-German imperialists must be opposed by the united might of all the peace-loving countries and nations of Europe. An especially big part in the struggle against the aggressive designs of the West-German militarists is played by the German Democratic Republic. The Meeting regards it as the duty of all the countries of the socialist camp and of all the peace-loving peoples to defend the German Democratic Republic—the outpost of socialism in Western Europe and the true expression of the peace aspirations of the German nation.

The U.S. imperialists are also busy reviving the hotbed of war in the Far East. Trampling upon the national independence of the Japanese people and contrary to their will, they have, in collusion with the Japanese reactionary ruling circles, imposed upon Japan a new military treaty which pursues aggressive aims against the Soviet Union, the Chinese People's Republic and other peace loving countries. The U.S. invaders have occupied the island of Taiwan, which belongs to the Chinese People's Republic, and South Korea and are interfering more and more in the affairs of South Viet-Nam; they have turned them into hotbeds of dangerous military provocations and gambles. Threatening Cuba with aggression and interfering in the affairs of the peoples of Latin America, Africa and the Middle East, the U.S. imperialists strive to create new seats of war in different parts of the world. They use such forms of regional alliance as, for example, the Organization of American States, to retain their economic and political control and to involve the peoples of Latin America in the realization of their aggressive schemes.

The U.S. imperialists have set up a huge war machinery and refuse to

allow its reduction. The imperialists frustrate all constructive disarmament proposals by the Soviet Union and other peaceful countries. The arms race is going on. Stockpiles of nuclear weapons are becoming dangerously large. Defying protests from their own people and the peoples of other countries, particularly in the African continent, the French ruling circles are testing and manufacturing atomic weapons. The U.S. militarists are preparing to resume disastrous atomic tests; military provocations that threaten serious international conflicts continue.

The U.S. ruling circles have wrecked the Paris meeting of the Heads of Government of the four Great Powers by their policy of provocations and aggressive acts, and have set out to increase international tension and aggravate the cold war. The war menace has grown.

The imperialist provocations against peace have aroused the indignation and resistance of the peoples. U.S. imperialism has exposed itself still more and its influence in the world has sustained fresh and telling blows.

The aggressive nature of imperialism has not changed. But real forces have appeared that are capable of foiling its plans of aggression. War is not fatally inevitable. Had the imperialists been able to do what they wanted, they would already have plunged mankind into the abyss of the calamities and horrors of a new world war. But the time is past when the imperialists could decide at will whether there should or should not be war. More than once in the past years the imperialists have brought mankind to the brink of world catastrophe by starting local wars. The resolute stand of the Soviet Union, of the other socialist states and of all the peaceful forces put an end to the Anglo-Franco-Israeli intervention in Egypt, and averted a military invasion of Syria, Iraq and some other countries by the imperialists. The heroic people of Algeria continue their valiant battle for independence and freedom. The peoples of the Congo and Laos are resisting the criminal acts of the imperialists with increasing firmness. Experience shows that it is possible to combat effectively the local wars started by the imperialists, and to stamp out successfully the hotbeds of such wars.

*The time has come when the attempts of the imperialist aggressors to start a world war can be curbed.*

*World war can be prevented by the joint efforts of the world socialist camp, the international working class, the national-liberation movement, all the countries opposing war and all peace-loving forces.*

The development of international relations in our day is determined by the struggle of the two social systems—the struggle of the forces of socialism, peace and democracy against the forces of imperialism, reaction and aggression—a struggle in which the superiority of the forces of socialism, peace and democracy is becoming increasingly obvious.

For the first time in history, war is opposed by great and organized forces: the mighty Soviet Union, which now leads the world in the decisive branches of science and technology; the entire socialist camp, which has placed its great material and political might at the service of peace; a growing number of peace-loving countries of Asia, Africa and Latin America, which have a vital interest in preserving peace; the international working class and its organizations, above all the Communist Parties; the national-liberation movement of the people of the colonies and dependent countries; the world peace movement; and the neutral countries which want no share in the imperialist policy of war, and advocate peaceful coexistence. The policy of peaceful coexistence is also favored by a definite section of the bourgeoisie of the developed capitalist countries, which takes a sober view of the relationship of forces and of the dire consequences of a modern war. The broadest possible united front of peace supporters, fighters against the imperialist policy of aggression and war inspired by U.S. imperialism, is essential to preserve world peace. Concerted and vigorous actions of all the forces of peace can safeguard the peace and prevent a new war.

The democratic and peace forces today have no task more pressing than that of safeguarding humanity against a global thermonuclear disaster. The unprecedented destructive power of modern means of warfare demands that the main actions of the anti-war and peace-loving forces be directed towards preventing war. The struggle against war cannot be put off until war breaks out, for then it may prove too late for many areas of the globe and for their population to combat it. *The struggle against the threat of a*

*new war must be waged now and not when atom and hydrogen bombs begin to fall, and it must gain in strength from day to day. The important thing is to curb the aggressors in good time, to prevent war, and not to let it break out.*

To fight for peace today means to maintain the greatest vigilance, indefatigably to lay bare the policy of the imperialists, to keep a watchful eye on the intrigues and maneuvers of the warmongers, arouse the righteous indignation of the peoples against those who are heading for war, organize the peace forces still better, continuously intensify mass actions for peace, and promote co-operation with all countries which have no interest in new wars. In the countries where the imperialists have established war bases, it is necessary to step up the struggle for their abolition, which is an important factor for fortifying national independence, defending sovereignty, and preventing war. The struggle of the peoples against the militarization of their countries should be combined with the struggle against the capitalist monopolies connected with the U. S. imperialists. Today as never before, it is important to fight perseveringly in all countries to make the peace movement thrive and extend to towns and villages, factories and offices.

The peace movement is the broadest movement of our time, involving people of diverse political and religious creeds, of diverse classes of society, who are all united by the noble urge to prevent new wars and to secure enduring peace.

Further consolidation of the world socialist system will be of prime importance in preserving durable peace. So long as there is no disarmament, the socialist countries must maintain their defence potential at an adequate level.

In the opinion of Communists the tasks which must be accomplished first of all if peace is to be safeguarded are to stop the arms race, ban nuclear weapons, their tests and production, dismantle foreign war bases and withdraw foreign troops from other countries, disband military blocs, conclude a peace treaty with Germany, turn West Berlin into a demilitarized free city, thwart the designs of the West-German revanchists, and prevent the revival of Japanese militarism.

History has placed a great responsibility for warding off a new world

war first and foremost on the international working class. The imperialists plot and join forces to start a thermonuclear war. The international working class must close its ranks to save mankind from the disaster of a new world war. *No political, religious or other differences should be an obstacle to all the forces of the working class uniting against the war danger. The hour has struck to counter the forces of war by the mighty will and joint action of all the contingents and organizations of the world proletariat, to unite its forces to avert world war and safeguard peace.*

The Communist Parties regard the fight for peace as their prime task. They call on the working class, trade unions, co-operatives, women's and youth leagues and organizations, on all working people, irrespective of their political and religious convictions, firmly to repulse by mass struggles all acts of aggression on the part of the imperialists.

But should the imperialist maniacs start war, the peoples will sweep capitalism out of existence and bury it.

The foreign policy of the socialist countries rests on the firm foundation of the Leninist principle of peaceful coexistence and economic competition between the socialist and capitalist countries. In conditions of peace, the socialist system increasingly reveals its advantages over the capitalist system in all fields of economy, culture, science and technology. The near future will bring the forces of peace and socialism new successes. The U.S.S.R. will become the leading industrial power of the world. China will become a mighty industrial state. The socialist system will be turning out more than half the world industrial product. The peace zone will expand. The working-class movement in the capitalist countries and the national-liberation movement in the colonies and dependencies will achieve new victories. The disintegration of the colonial system will become completed. The superiority of the forces of socialism and peace will be absolute. *In these conditions a real possibility will have arisen to exclude world war from the life of society even before socialism achieves complete victory on earth, with capitalism still existing in a part of the world.* The victory of socialism all over the world will completely remove the social and national causes of all wars.

The Communists of all the world uphold peaceful coexistence unanimously and consistently, and battle resolutely for the prevention of war. The Communists must work untiringly among the masses to prevent underestimation of the possibility of averting a world war, underestimation of the possibility of peaceful coexistence and, at the same time, underestimation of the danger of war.

In a world divided into two systems, the only correct and reasonable principle of international relations is the principle of peaceful coexistence of states with different social systems advanced by Lenin and further elaborated in the Moscow Declaration and the Peace Manifesto of 1957, in the decisions of the 20th and 21st Congresses of the C.P.S.U., and in the documents of other Communist and Workers' Parties.

The Five Principles jointly advanced by the Chinese People's Republic and the Republic of India, and the propositions adopted at the Bandung Conference accord with the interests of peace and the peace-loving peoples.

Peaceful coexistence of countries with different systems or destructive war—this is the alternative today. There is no other choice. Communists emphatically reject the U.S. doctrine of "cold war" and "brinkmanship," for it is a policy leading to thermonuclear catastrophe. By upholding the principle of peaceful coexistence, Communists fight for the complete cessation of the cold war, disbandment of military blocs, and dismantling of military bases, for general and complete disarmament under international control, the settlement of international disputes through negotiation, respect for the equality of states and their territorial integrity, independence and sovereignty, non-interference in each other's internal affairs, extensive development of trade, cultural and scientific ties between nations.

The policy of peaceful coexistence meets the basic interests of all peoples, of all who want no new cruel wars and seek durable peace. This policy strengthens the positions of socialism, enhances the prestige and international influence of the socialist countries and promotes the prestige and influence of the Communist Parties in the capitalist countries. Peace is a loyal ally of socialism, for time is working for socialism against capitalism.

The policy of peaceful coexistence is a policy of mobilizing the masses and launching vigorous action against the enemies of peace. Peaceful coexistence of states does not imply renunciation of the class struggle as the revisionists claim. The coexistence of states with different social systems is a form of class struggle between socialism and capitalism. In conditions of peaceful coexistence favorable opportunities are provided for the development of the class struggle in the capitalist countries and the national-liberation movement of the peoples of the colonial and dependent countries. In their turn, the successes of the revolutionary class and national-liberation struggle promote peaceful coexistence. The Communists consider it their duty to fortify the faith of the people in the possibility of furthering peaceful coexistence, their determination to prevent world war. They will do their utmost for the people to weaken imperialism and limit its sphere of action by an active struggle for peace, democracy and national liberation.

Peaceful coexistence of countries with different social systems does not mean conciliation of the socialist and bourgeois ideologies. On the contrary, it implies intensification of the struggle of the working class, of all the Communist Parties, for the triumph of socialist ideas. But ideological and political disputes between states must not be settled through war.

*The meeting considers that the implementation of the program for general and complete disarmament put forward by the Soviet Union would be of historic importance for the destinies of mankind. To realize this program means to eliminate the very possibility of waging wars between countries. It is not easy to realize owing to the stubborn resistance of the imperialists. Hence it is essential to wage an active and determined struggle against the aggressive imperialist forces with the aim of carrying this program into practice. It is necessary to wage this struggle on an increasing scale and to strive perseveringly to achieve tangible results—the banning of the testing and manufacture of nuclear weapons, the abolition of military blocs and war bases on foreign soil and a substantial reduction of armed forces and armaments, all of which should pave the way to general disarmament. Through an active, determined struggle by the socialist and other peace-*

*loving countries, by the international working class and the broad masses in all countries, it is possible to isolate the aggressive circles, foil the arms race and war preparations, and force the imperialists into an agreement on general disarmament.*

The arms race is not a war-deterrent, nor does it make for a high degree of employment and well-being of the population. It leads to war. Only a handful of monopolies and war speculators are interested in the arms race. In the capitalist countries, the people constantly demand that military expenditures be reduced and the funds thus released be used to improve the living conditions of the masses. In each country, it is necessary to promote a broad mass movement, for the use of the funds and resources to be released through disarmament for the needs of civilian production, housing, health, public education, social security, scientific research, etc. Disarmament has now become a fighting slogan of the masses, a pressing historical necessity. By an active and resolute struggle, the imperialists must be made to meet this demand of the peoples.

The Communist and Worker's Parties of the socialist countries will go on consistently pursuing the policy of peaceful coexistence of states with different social systems and doing their utmost to spare the peoples the horrors and calamities of a new war. They will display the greatest vigilance towards imperialism, vigorously strengthen the might and defensive capacity of the entire socialist camp and take every step to safeguard the security of the peoples and preserve peace.

*The Communists regard it as their historical mission not only to abolish exploitation and poverty on a world scale and rule out for all time the possibility of any kind of war in the life of human society, but also to deliver mankind from the nightmare of a new world war already in our time. The Communist Parties will devote all their strength and energy to this great historical mission.*

#### IV.

National-liberation revolutions have triumphed in vast areas of the world. About forty new sovereign states have arisen in Asia and Africa in the fifteen post-war years. The victory of the Cuban revolution has powerfully stimulated the struggle of the Latin-Ameri-

can peoples for complete national independence. A new historical period has set in in the life of mankind: the peoples of Asia, Africa and Latin America that have won their freedom have begun to take an active part in world politics.

*The complete collapse of colonialism is imminent. The breakdown of the system of colonial slavery under the impact of the national-liberation movement is a development ranking second in historic importance only to the formation of the world socialist system.*

The Great October Socialist Revolution aroused the East and drew the colonial peoples into the common current of the world-wide revolutionary movement. This development was greatly facilitated by the Soviet Union's victory in the Second World War, the establishment of people's democracy in a number of European and Asian countries, the triumph of the socialist revolution in China, and the formation of the world socialist system. The forces of world socialism contributed decisively to the struggle of the colonial and dependent peoples for liberation from imperialist oppression. The socialist system has become a reliable shield for the development of the peoples who have won freedom. The national-liberation movement receives powerful support from the international working-class movement.

The face of Asia has changed radically. The colonial order is collapsing in Africa. A front of active struggle against imperialism has opened in Latin America. Hundreds of millions of people in Asia, Africa and other parts of the World have won their independence in hard-fought battles with imperialism. Communists have always recognized the progressive, revolutionary significance of national-liberation wars; they are the most active champions of national independence. The existence of the world socialist system and the weakening of the positions of imperialism have provided the oppressed peoples with new opportunities of winning independence.

The peoples of the colonial countries win their independence both through armed struggle and by non-military methods, depending on the specific conditions in the country concerned. They secure durable victory through a powerful national-liberation movement. The colonial powers never bestow freedom on the colonial peoples and never leave of their own free

will the countries they are exploiting.

The United States is the mainstay of colonialism today. The imperialists, headed by the U.S.A., make desperate efforts to preserve colonial exploitation of the peoples of the former colonies by new methods and in new forms. The monopolies try to retain their hold on the levers of economic control and political influence in Asian, African and Latin American countries. These efforts are aimed at preserving their positions in the economy of the countries which have gained freedom, and at capturing new positions under the guise of economic "aid," drawing them into military blocs, implanting military dictatorships and setting up war bases there. The imperialists endeavor to emasculate and undermine the national sovereignty of the newly-free countries, to misrepresent the principle of self-determination of nations, to impose new forms of colonial domination under the spurious slogan of "inter-dependence," to put their puppets in power in these countries and bribe a section of the bourgeoisie. They resort to the poisoned weapon of national strife to undermine the young states that are not yet strong enough. They make ample use of aggressive military blocs and bilateral military alliances, to achieve these ends. The imperialists' accomplices are the most reactionary sections of the local exploiting classes.

The urgent tasks of national rebirth facing the countries that have shaken off the colonial yoke cannot be effectively accomplished unless a determined struggle is waged against imperialism and the remnants of feudalism by all the patriotic forces of the nations united in a single national-democratic front. The national-democratic tasks on the basis of which the progressive forces of the nation can and do unite in the countries which have won their freedom, are: the consolidation of political independence, the carrying out of agrarian reforms in the interest of the peasantry, elimination of the survivals of feudalism, the uprooting of imperialist economic domination, the restriction of foreign monopolies and their expulsion from the national economy, the creation and development of a national industry, improvement of the living standard, the democratization of social life, the pursuance of an independent and peaceful foreign policy, and the development of economic and cultural co-

operation with the socialist and other friendly countries.

The working class, which has played an outstanding role in the fight for national liberation, demands the complete and consistent accomplishment of the tasks of the national, anti-imperialist, democratic revolution, and resists reactionary attempts to check social progress.

The solution of the peasant problem, which directly affects the interests of the vast majority of the population, is of the utmost importance to these countries. Without radical agrarian reforms it is impossible to solve the food problem and sweep away the remnants of medievalism which fetter the development of the productive forces in agriculture and industry. The creation and extension on a democratic basis of the state sector in the national economy, particularly in industry, a sector independent from foreign monopolies and gradually becoming a determining factor in the country's economy, is of great importance in these countries.

The alliance of the working class and the peasantry is the most important force in winning and defending national independence, accomplishing far-reaching democratic transformations and ensuring social progress. This alliance is called upon to be the basis of a broad national front. The extent to which the national bourgeoisie participates in the liberation struggle also depends to no small degree upon its strength and stability. A big role can be played by the national-patriotic forces, by all elements of the nation prepared to fight for national independence, against imperialism.

In present conditions, the national bourgeoisie of the colonial and dependent countries unconnected with imperialist circles, is objectively interested in the principal tasks of anti-imperialist, anti-feudal revolution, and therefore retains the capacity of participating in the revolutionary struggle against imperialism and feudalism. In that sense it is progressive. But it is unstable; though progressive, it is inclined to compromise with imperialism and feudalism. Owing to its dual nature, the extent to which the national bourgeoisie participates in revolution differs from country to country. This depends on concrete conditions, on changes in the relationship of class forces, on the sharpness of the contradictions between imperialism, feudalism and the people, and on the depth of the con-

tradictions between imperialism, feudalism and the national bourgeoisie.

After winning political independence the peoples seek solutions to the social problems raised in life and to the problems of reinforcing national independence. Different classes and parties offer different solutions. Which course of development to choose is the internal affair of the peoples themselves. As social consolidating the national economy and training national personnel, and compromising with domestic reaction and imperialism. The people, however, begin to see that the best way to abolish age-long backwardness and improve their living standard is that of non-capitalist development. Only thus can the peoples free themselves from exploitation, poverty and hunger. The working class and the broad peasant masses are to play the leading part in solving this basic social problem.

In the present historical situation, favorable domestic and international conditions arise in many countries for the establishment of an independent national democracy, that is, a state which consistently upholds its political and economic independence, fights against imperialism and its military blocs, against military bases on its territory; a state which fights against the new forms of colonialism and the penetration of imperialist capital; a state which rejects dictatorial and despotic methods of government; a state in which the people are ensured broad democratic rights and freedoms (freedom of speech, press, assembly, demonstrations, establishment of political parties and social organizations), the opportunity to work for the enactment of an agrarian reform and other democratic and social changes, and for participation in shaping government policy. The formation and consolidation of national democracies enables the countries concerned to make rapid social progress and play an active part in the peoples' struggle for peace, against the aggressive policies of the imperialist camp, for the complete abolition of the colonial yoke.

The Communist Parties are working actively for a consistent completion of the anti-imperialist, anti-feudal, democratic revolution, for the establishment of national democracies, for a radical improvement in the living standard of the people. They support those actions of national governments leading to the consolidation of the gains achieved and undermining the imperialists' positions. At the same time they firmly

oppose anti-democratic, anti-popular acts and those measures of the ruling circles which endanger national independence. Communists expose attempts by the reactionary section of the bourgeoisie to represent its selfish, narrow class interests as those of the entire nation; they expose the demagogic use by bourgeois politicians of socialist slogans for the same purpose; they work for a genuine democratization of social life and rally all the progressive forces to combat despotic regimes or to curb tendencies towards setting up such regimes.

The aims of the Communists accord with the supreme interests of the nation. The reactionaries' effort to break up the national front under the slogan of "anti-communism" and isolate the Communists, the foremost contingent of the liberation movement, is contrary to the national interests of the people and is fraught with the loss of national gains.

The socialist countries are true and sincere friends of the peoples fighting for liberation and of those who have thrown off the imperialist yoke. While rejecting on principle any interference in the internal affairs of young national states, they consider it their internationalist duty to help the peoples in strengthening their independence. They help and support these countries generously in achieving progress, creating a national industry, developing and consolidating the national economy and training, national personnel, and cooperate with them in the struggle for world peace, against imperialist aggression.

The class-conscious workers of the colonial powers, who realized that "no nation can be free if it oppresses other nations," fought consistently for the self-determination of the nations oppressed by the imperialists. Now that these nations are taking the path of national independence, it is the internationalist duty of the workers and all democratic forces in the industrially developed capitalist countries to assist them vigorously in their struggle against the imperialists, for national independence, for its consolidation, and to assist them in effectively solving the problems of their economic and cultural rebirth. In so doing, they defend the interests of the popular masses in their own countries.

The entire course of the world history of recent decades prompts the complete and final abolition of the col-

onial system in all its forms and manifestations. All the peoples still languishing in colonial bondage must be given every support in winning their national independence. All forms of colonial oppression must be abolished. The abolition of colonialism will also be of great importance in easing international tension and consolidating universal peace. This Meeting expresses solidarity with all the peoples of Asia, Africa, Latin America and Oceania who are carrying on a heroic struggle against imperialism. The Meeting hails the peoples of the young states of Africa who have achieved political independence—an important step towards complete emancipation. The Meeting extends heart-felt regards and support to the heroic Algerian people fighting for freedom and national independence, and demands an immediate cessation of the aggressive war against Algeria. It wrathfully condemns the inhuman system of racial persecution and tyranny in the Union of South Africa (apartheid) and urges democrats throughout the world to actively support the peoples of South Africa in their struggle for freedom and equality. The Meeting demands non-interference in the sovereign rights of the peoples of Cuba, the Congo and all the other countries that have won their freedom.

All the socialist countries and the international working-class and Communist movement see it as their duty to render the fullest moral and material assistance to the peoples fighting to free themselves from imperialist and colonial tyranny.

## V

The new balance of world forces offers the Communist and Workers' Parties new opportunities of carrying out the historic tasks they face in the struggle for peace, national independence, democracy and socialism.

The Communist Parties determine the prospects and tasks of revolution in keeping with the concrete historical and social conditions obtaining in their respective countries and with due regard for the international situation. They are waging a selfless struggle, doing everything already in present conditions, without waiting until socialism triumphs, to defend the interests of the working class and the people, improve their living conditions and extend the democratic rights and free-

doms of the people. Knowing that the brunt of the struggle for the liberation of its people from capitalist oppression rests upon it, the working class and its revolutionary vanguard will with increasing energy press forward its offensive against the domination of oppressors and exploiters in every field of political, economic and ideological activity in each country. In the process of this struggle, the masses are prepared and conditions arise for decisive battles for the overthrow of capitalism, for the victory of socialist revolution.

The main blow in present conditions is directed with growing force at the capitalist monopolies, which are chiefly responsible for the arms race and which constitute the bulwark of reaction and aggression, at the whole system of state monopoly capitalism, which defends their interests.

In some non-European developed capitalist countries which are under the political, economic and military domination of U.S. imperialism, the working class and the people direct the main blow against U.S. imperialist domination, and also against monopoly capital and other domestic reactionary forces that betray the interests of the nation. In the course of this struggle all the democratic, patriotic forces of the nation come together in a united front fighting for the victory of a revolution aimed at achieving genuine national independence and democracy, which create conditions for passing on to the tasks of socialist revolution.

The big monopolies encroach on the interests of the working class and the people in general all along the line. The exploitation of working people is gaining in intensity; so is the process in which the broad peasant masses are being ruined. At the same time, the difficulties experienced by the small and middle urban bourgeoisie are growing more acute. The oppression of the big monopolies is becoming increasingly heavier for all sections of the nation. As a result, the contradiction between the handful of monopoly capitalists and all sections of the people is now growing more pronounced, along with the sharpening of the basic class contradiction of bourgeois society—that between labor and capital.

The monopolies seek to abolish, or cut down to a bare minimum, the democratic rights of the masses. The reign of open fascist terror continues in some countries. In a number of countries,

fascization is expanding in new forms: dictatorial methods of government are combined with fictitious parliamentary practices that have been stripped of democratic content and reduced to pure form. Many democratic organizations are outlawed and are compelled to go underground, thousands of fighters for the working-class cause and champions of peace are in prison.

On behalf of all the Communists of the world, this Meeting expresses proletarian solidarity with the courageous sons and daughters of the working class and the fighters for democracy, languishing behind prison bars in the U.S.A., Spain, Portugal, Japan, West Germany, Greece, Iran, Pakistan, the United Arab Republic, Jordan, Iraq, Argentina, Paraguay, the Dominican Republic, Mexico, the Union of South Africa, the Sudan and other countries. The Meeting urges launching a powerful, world-wide campaign to secure the release of these champions of peace, national independence and democracy.

The working class, peasantry, intellectuals and the petty and middle urban bourgeoisie are vitally interested in the abolition of monopoly domination. Hence there are favorable conditions for rallying these forces.

Communists hold that this unity is quite feasible on the basis of the struggle for peace, national independence, the protection and extension of democracy, nationalization of the key branches of economy and democratization of their management, the use of the entire economy for peaceful purposes in order to satisfy the needs of the population, implementation of radical agrarian reforms, improvement of the living conditions of the working people, protection of the interests of the peasantry and the petty and middle urban bourgeoisie against the tyranny of the monopolies.

These measures would be an important step along the path of social progress and would meet the interests of the majority of the nation. All these measures are democratic by nature. They do not eliminate the exploitation of man by man. But if realized, they would limit the power of the monopolies, enhance the prestige and political weight of the working class in the country's affairs, help to isolate the most reactionary forces and facilitate the unification of all the progressive forces. As they participate in the fight for dramatic reforms, large sections of the population come to realize

the necessity of unity of action with the working class and become more active politically. It is the prime duty of the working class and its Communist vanguard to head the economic and political struggle of the masses for democratic reforms, for the overthrow of the power of the monopolies, and assure its success.

Communists advocate general democratization of the economic and social scene and of all the administrative, political and cultural organizations and institutions.

Communists regard the struggle for democracy as a component of the struggle for socialism. In this struggle they continuously strengthen their bonds with the masses, increase their political consciousness and help them understand the tasks of the socialist revolution and realize the necessity of accomplishing it. This sets the Marxist-Leninist Parties completely apart from the reformists, who consider reforms within the framework of the capitalist system as the ultimate goal and deny the necessity of socialist revolution. Marxists-Leninists are firmly convinced that the peoples in the capitalist countries will in the course of their daily struggle ultimately come to understand that socialism alone is a real way out for them.

Now that more sections of the population are joining in an active class struggle, it is of the utmost importance that Communists should extend their work in trade unions and cooperatives, among the peasantry, the youth, the women, in sports organizations, and the unorganized sections of the population. There are new opportunities now to draw the younger generation into the struggle for peace and democracy, and for the great ideals of communism. Lenin's great behest—to go deeper into the masses, to work wherever there are masses, to strengthen the ties with the masses in order to lead them—must become a major task for every Communist Party.

The restoration of unity in the trade-union movement in countries where it is split, as well as on the international scale, is essential for heightening the role of the working class in political life and for the successful defence of its interests. The working people may belong to different trade unions, but they have common interests. Whenever different trade-union associations fought in common in the greatest class battles of recent

years, they usually succeeded, precisely because of their unity, in having the demands of the working people met. The Communist Parties believe that there are real prerequisites for reestablishing trade-union unity, and will work perseveringly to bring it about. In those countries where no trade-union democracy exists in practice, the struggle for trade-union unity calls for continuous efforts aimed at achieving trade-union independence and recognition and observance of the trade-union rights of all working people without political and any other discrimination.

It is also essential to peace and social progress that the national and international unity of all the other mass democratic movements be restored. Unity among the mass organizations may be achieved through joint action in the struggle for peace, national independence, the preservation and extension of democratic rights, the improvement of living conditions and the extension of the working people's social rights.

The decisive role in the struggle of the popular masses of capitalist countries for the accomplishment of their tasks is played by the alliance of the working class and the working peasantry, which represents the main motive force of social revolution.

The split in the ranks of the working class, which the ruling classes, the Right-wing Social-Democratic leadership and reactionary trade-union leaders are interested to maintain on a national and international scale, remains the principal obstacle to the accomplishment of the goals of the working class. Communists work resolutely to eliminate this spirit.

The imperialists and reactionaries in various countries resort, along with means of suppression, to means of deception and bribery in order to split and disrupt the solidarity of the working class. The events of the last few years have again confirmed that this split undermines the positions of the working class and is advantageous only to imperialist reaction.

Some Right-wing Social-Democratic leaders have openly adopted imperialist views, defend the capitalist system and split the working class. Owing to their hostility to communism and their fear of the mounting influence of socialism in world affairs, they are capitulating to the reactionary, conservative forces. In some countries the Right-

wing leadership has succeeded in making the Social-Democratic Parties adopt programs in which they openly disowned Marxism, the class struggle and the traditional socialist slogans. Thereby they have again done a service to the bourgeoisie. Resistance to this policy of the Right-wing leaders is mounting in the Social-Democratic Parties. The opposition also embraces a section of the Social-Democratic Party functionaries. The forces favoring joint action by the working class and other working people in the struggle for peace, democracy and social progresses are growing. The overwhelming majority in the Social-Democratic Parties, particularly the workers, are friends of peace and social progress.

Communists will continue to criticize the ideological positions and Right-wing opportunist practices of the Social-Democrats; they will continue activities aimed at inducing the Social-Democratic masses to adopt positions of consistent class struggles against capitalism, for the triumph of socialism. The Communists are firmly convinced that the ideological differences obtaining between themselves and the Social-Democrats must not hinder exchanges of opinion on the pressing problems of the working-class movement and the joint struggle, especially against the war danger.

Communists regard Social-Democrats among the working people as their class brothers. They often work together in trade unions and other organizations, and fight jointly for the interests of the working class and the people as a whole.

The vital interests of the working-class movement demand that the Communist and Social-Democratic Parties take joint action on a national and international scale to bring about the immediate prohibition of the manufacture, testing and use of nuclear weapons, the establishment of atom-free zones, general and complete disarmament under international control, the abolition of military bases on foreign soil and the withdrawal of foreign troops, to assist the national-liberation movement of the peoples of colonial and dependent countries, to safeguard national sovereignty, promote democracy and resist the fascist menace, improve the living standards of the working people, secure a shorter working week without wage cuts, etc. Millions of Social-Democrats and some Social-Democratic Parties have already in

some form or another come out in favor of solving these problems. It is safe to say that *on overcoming the split in its ranks, on achieving unity of action of all its contingents, the working class of many capitalist countries could deliver a staggering blow to the policy of the ruling circles in the capitalist countries and make them stop preparing a new war, repel the offensive of monopoly capital, and have its daily vital and democratic demands met.*

Both in the struggle for the improvement of the living conditions of working people, the extension and preservation of their democratic rights, the achievement and defence of national independence, for peace among nations, and also in the struggle to win power and build socialism, the Communist Parties advocate cooperation with the Socialist Parties. The Communists have the great doctrine of Marxism-Leninism, a doctrine that is consistent, scientifically sustained and borne out by life, and rich international experience in socialist construction. They are prepared to hold discussions with Social-Democrats, for they are certain that this is the best way to compare views, ideas and experience with the aim of removing deep-rooted prejudices and the split among the working people, and of establishing co-operation.

The imperialist reactionaries, who seek to arouse distrust for the Communist movement and its ideology, continue to intimidate the masses by alleging that the Communists need wars between states to overthrow the capitalist system and establish a socialist system. The Communist Parties emphatically reject this slander. The fact that both world wars, which were started by the imperialists, ended in socialist revolutions by no means implies that the way to social revolution goes necessarily through world war, especially now that there exists a powerful world system of socialism. Marxists-Leninists have never considered that the way to social revolution lies through wars between states.

The choice of social system is the inalienable right of the people of each country. Socialist revolution is not an item of import and cannot be imposed from without. It is a result of the internal development of the country concerned, of the utmost sharpening of social contradictions in it. *The Communist Parties, which guide themselves by the Marxist-Leninist doctrine, have*

*always been against the export of revolution. At the same time they fight resolutely against imperialist export of counter-revolution. They consider it their internationalist duty to call on the peoples of all countries to unite, to rally all their internal forces, to act vigorously and, relying on the might of the world socialist system, to prevent or firmly resist imperialist interference in the affairs of any people who have risen in revolution.*

The Marxist-Leninist Parties head the struggle of the working class, the masses of working people, for the accomplishment of the socialist revolution and the establishment of the dictatorship of the proletariat in one form or another. The forms and course of development of the socialist revolution will depend on the specific balance of the class forces in the country concerned, on the organization and maturity of the working class and its vanguard, and on the extent of the resistance put up by the ruling classes. Whatever form of dictatorship of the proletariat is established, it will always signify an extension of democracy, a transition from formal, bourgeois democracy to genuine democracy, to democracy for working people.

The Communist Parties reaffirm the propositions put forward by the Declaration of 1957 with regard to the forms of transition of different countries from capitalism to socialism.

The Declaration points out that the working class and its vanguard—the Marxist-Leninist Party—seek to achieve the socialist revolution by peaceful means. This would accord with the interests of the working class and the people as a whole, with the national interests of the country.

Today in a number of capitalist countries the working class, headed by its vanguard, has the opportunity, given a united working-class and popular front or other workable forms of agreement and political co-operation between the different parties and public organizations, to unite a majority of the people, win state power without civil war and ensure the transfer of the basic means of production to the hands of the people. Relying on the majority of the people and resolutely rebuffing the opportunist elements incapable of relinquishing the policy of compromise with the capitalists and landlords, the working class can defeat the reactionary, anti-popular forces, secure a firm majority in

parliament, transform parliament from an instrument serving the class interests of the bourgeoisie into an instrument serving the working people, launch an extra-parliamentary mass struggle, smash the resistance of the reactionary forces and create the necessary conditions for peaceful realization of the socialist revolution. All this will be possible only by broad and ceaseless development of the class struggle of the workers, peasant masses and the urban middle strata against big monopoly capital, against reaction, for profound social reforms, for peace and socialism.

In the event of the exploiting classes resorting to violence against people, the possibility of non-peaceful transition of socialism should be borne in mind. Leninism teaches, and experience confirms, that the ruling classes never relinquish power voluntarily. In this case the degree of bitterness and the forms of the class struggle will depend not so much on the proletariat as on the resistance put up by the reactionary circles to the will of the overwhelming majority of the people, on these circles using force at one or another stage of the struggle for socialism.

The actual possibility of the one or the other way of transition to socialism in each individual country depends on the concrete historical conditions.

In our time, when communism is not only the most advanced doctrine but an actually existing social system which has proved its superiority over capitalism, conditions are particularly favorable for expanding the influence of the Communist Parties, vigorously exposing anti-communism, a slogan under which the capitalism class wages its struggle against the proletariat, and winning the broadest sections of the working masses for Communist ideas.

Anti-communism arose at the dawn of the working-class movement as the principal ideological weapon of the capitalist class in its struggle against the proletariat and Marxist ideology. As the class struggle grew in intensity, particularly with the formation of the world socialist system, anti-communism became more vicious and refined. Anti-communism, which is indicative of a deep ideological crisis in and extreme decline of bourgeois ideology, resorts to monstrous distortions of Marxist doctrine and crude slander against the

socialist social system, presents Communist policies and objectives in a false light, and carries on a witchhunt against the democratic peaceful forces and organizations.

To effectively defend the interests of the working people, maintain peace and realize the socialist ideals of the working class, it is indispensable to wage a resolute struggle against anti-communism—that poisoned weapon which the bourgeoisie uses to fence off the masses from socialism. A greater effort is required in explaining the ideas of socialism to the masses, to educate the working people in a revolutionary spirit, to develop their revolutionary class consciousness and to show all working people the superiority of socialist society by referring to the experience of the countries of the world socialist system, demonstrating in concrete form the benefits which socialism will actually give to workers, peasants and other sections of the population in each country.

Communism assures people freedom from fear of war; lasting peace, freedom from imperialist oppression and exploitation, from unemployment and poverty; general well-being and a high standard of living; freedom from fear of economic crisis; a rapid growth of the productive forces for the benefit of society as a whole; freedom from the tyranny of the moneybag over the individual; all-round spiritual development of man; the fullest development of talent; unlimited scientific and cultural progress of society. All the sections of the population, with the exception of a handful of exploiters, stand to gain from the victory of the new social system, and this must be brought home to millions of people in the capitalist countries.

## VI.

The world Communist movement has become the most influential political force of our time, a most important factor in social progress. As it fights bitterly against imperialist reaction, for the interests of the working class and all working people, for peace, national independence, democracy and socialism, the Communist movement is making steady headway, is becoming consolidated and steeled.

There are now Communist Parties active in 87 countries of the world. Their total membership exceeds 36,000,000. This is a signal victory for

Marxism-Leninism and a tremendous achievement of the working class. Like-minded Marxists are rallying in the countries which have shaken off colonial tyranny and taken the path of independent development. Communist Parties consider it their internationalist duty to promote friendship and solidarity between the working class of their countries and the working-class movement of the countries which have won their freedom in the common struggle against imperialism.

The growth of the Communist Parties and their organizational consolidation, the victories of the Communist Parties in a number of countries in the struggle against deviations, elimination of the harmful consequences of the personality cult, the greater influence of the world communist movement open new prospects for the successful accomplishment of the tasks facing the Communist Parties.

Marxist-Leninist Parties regard it as an inviolable law of their activity steadfastly to observe the Leninist standards of Party life in keeping with the principle of democratic centralism; they consider that they must cherish Party unity like the apple of their eye, strictly to adhere to the principle of Party democracy and collective leadership, for they attach, in keeping with the organizational principles of Leninism, great importance to the role of the leading party bodies in the life of the Party, to work indefatigably for the strengthening of their bonds with the Party membership and with the broad masses of the working people, not to allow the personality cult, which shackles creative thought and initiative of Communists, vigorously to promote the activity of Communists, and to encourage criticism and self-criticism in their ranks.

The Communist Parties have ideologically defeated the revisionists in their ranks who sought to divert them from the Marxist-Leninist path. Each Communist Party and the international Communist movement as a whole have become still stronger, ideologically and organizationally, in the struggle against revisionism, Right-wing opportunism.

The Communist Parties have unanimously condemned the Yugoslav variety of international opportunism, a variety of modern revisionist "theories" in concentrated form. After betraying Marxism-Leninism, which they termed obsolete, the leaders of the League of Communists of Yugoslavia opposed their anti-Leninist revisionist program

to the Declaration of 1957; they set the L.C.Y. against the international Communist movement as a whole, severed their country from the socialist camp, made it dependent on so-called "aid" from U.S. and other imperialists, and thereby exposed the Yugoslav people to the danger of losing the revolutionary gains achieved through a heroic struggle. The Yugoslav revisionists carry on subversive work against the socialist camp and the world Communist movement. Under the pretext of an extra-bloc policy, they engage in activities which prejudice the unity of all the peace-loving forces and countries. Further exposure of the leaders of Yugoslav revisionists and active struggle to safeguard the Communist movement and the working-class movement from the anti-Leninist ideas of the Yugoslav revisionists, remains an essential task of the Marxist-Leninist Parties.

The practical struggles of the working class and the entire course of social development have furnished a brilliant new proof of the great all-conquering power and vitality of Marxism-Leninism, and have thoroughly refuted all modern revisionist "theories."

The further development of the Communist and working-class movement calls, as stated in the Moscow Declaration of 1957, for continuing a determined struggle on two fronts—against revisionism, which remains the main danger, and against dogmatism and sectarianism.

Revisionism, Right-wing opportunism, which mirrors the bourgeois ideology in theory and practice, distorts Marxism-Leninism, emasculates its revolutionary essence, and thereby paralyzes the revolutionary will of the working class, disarms and demobilizes the workers, the masses of the working people, in their struggle against oppression by imperialists and exploiters, for peace, democracy and national-liberation, for the triumph of socialism.

Dogmatism and sectarianism in theory and practice can also become the main danger at some stage of development of individual parties, unless combated unrelentingly. They rob revolutionary parties of the ability to develop Marxism-Leninism through scientific analysis and apply it creatively according to the specific conditions; they isolate Communists from the broad masses of the working people, doom them to passive expectation or Leftist, adventurist actions in the revolutionary struggle, prevent them from

making a timely and correct estimate of the changing situation and of new experience, using all opportunities to bring about the victory of the working class and all democratic forces in the struggle against imperialism, reaction and war danger, and thereby prevent the peoples from achieving victory in their just struggle.

At a time when imperialist reaction is joining forces to fight communism it is particularly imperative vigorously to consolidate the world Communist movement. Unity and solidarity redouble the strength of our movement and provide a reliable guarantee that the great cause of communism will make victorious progress and all enemy attacks will be effectively repelled.

Communists throughout the world are united by the great doctrine of Marxism-Leninism and by a joint struggle for its realization. The interests of the Communist movement require solidarity in adherence by every Communist Party to the estimates and conclusions concerning the common tasks in the struggle against imperialism, for peace, democracy and socialism, jointly reached by the fraternal Parties at their meetings.

The interests of the struggle for the working-class cause demand ever closer unity of the ranks of each Communist Party and of the great army of Communists of all countries; they demand of them unity of will and action. It is the supreme internationalist duty of every Marxist-Leninist Party to work continuously for greater unity in the world Communist movement.

A resolute defence of the unity of the world Communist movement on the principles of Marxism-Leninism and proletarian internationalism, and the prevention of any actions which may undermine that unity, are a necessary condition for victory in the struggle for national independence, democracy and peace, for the successful accomplishment of the tasks of the socialist revolution and of the building of socialism and communism. Violation of these principles would impair the forces of communism.

All the Marxist-Leninist Parties are independent and have equal rights; they shape their policies according to the specific conditions in their respective countries and in keeping with Marxist-Leninist principles, and support each other. The success of the working-class cause in any country is unthinkable without the internationalist soli-

darity of all Marxist-Leninist parties. Every party is responsible to the working class, to the working people of its country, to the international working-class and Communist movement as a whole.

The Communist and Workers' Parties hold meetings whenever necessary to discuss urgent problems, to exchange experience, acquaint themselves with each other's views and positions, work out common views through consultations and co-ordinate joint actions in the struggle for common goals.

Whenever a Party wants to clear up questions relating to the activities of another fraternal Party, its leadership approaches the leadership of the Party concerned; if necessary, they hold meetings and consultations.

The experience and results of the meetings of representatives of the Communist Parties held in recent years, particularly the results of the two major meetings—that of November, 1957 and this Meeting—show that in present-day conditions such meetings are an effective form of exchanging views and experience, enriching Marxist-Leninist theory by collective effort and elaborating a common attitude in the struggle for common objectives.

The Communist and Workers' Parties unanimously declare that the Communist Party of the Soviet Union has been, and remains, the universally recognized vanguard of the world Communist movement, being the most experienced and steeled contingent of the international Communist movement. The experience which the C.P.S.U. has gained in the struggle for the victory of the working class, in socialist construction and in the full-scale construction of communism, is of fundamental significance for the whole of the world Communist movement. The example of the C.P.S.U. and its fraternal solidarity inspire all the Communist Parties in their struggle for peace and socialism, and represent the revolutionary principles of proletarian internationalism applied in practice. The historic decisions of the 20th Congress of the C.P.S.U. are not only of great importance for the C.P.S.U. and communist construction in the U.S.S.R., but have initiated a new stage in the world Communist movement, and have promoted its development on the basis of Marxism-Leninism.

All Communist and Workers' Parties contribute to the development of the great theory of Marxism-Leninism. Mutual assistance and support in relations

between all the fraternal Marxist-Leninist Parties embody the revolutionary principles of proletarian internationalism applied in practice.

Ideological issues are of especial significance today. The exploiting class tries to counteract the achievements of socialism by exerting ever greater ideological pressure on the masses as it seeks to keep them in spiritual bondage to bourgeois ideology. Communists regard it as their task to launch a determined offensive on the ideological front, to work for the emancipation of the masses from the spiritual bondage of all types and forms of bourgeois ideology, including the pernicious influence of reformism, to disseminate among the masses progressive ideas making for social advancement, the ideas of democratic freedom, the ideology of scientific socialism.

Historical experience shows that the survivals of capitalism in the minds of people persist over a long period even after the establishment of a socialist system. This demands extensive work by the Party on the Communist education of the masses and a better Marxist-Leninist training and steeling of Party and government cadres.

Marxism-Leninism is a great integral revolutionary doctrine, the lodestar of the working class and working people of the whole world at all stages of their great battle for peace, freedom and a better life, for the establishment of the most just society, communism. Its great creative, revolutionizing power lies in its unbreakable link with life, in its continuous enrichment through a comprehensive analysis of reality. On the basis of Marxism-Leninism, the community of socialist countries and the international Communist, working-class and liberation movements have achieved great historic success, and it is only on its basis that all the tasks facing the Communist and Workers' Parties can be effectively accomplished.

*The meeting sees the further consolidation of the Communist Parties on the basis of Marxism-Leninism, of proletarian internationalism, as a primary condition for the unification of all working-class, democratic and progressive forces, as a guarantee of new victories in the great struggle waged by the world Communist and working-class movement for a happy future for the whole of mankind, for the triumph of the cause of peace and socialism.*

## Appendix B

### Khrushchev Report On Moscow Conference\*

(Text) Comrades: The conference of representatives of 81 Marxist-Leninist parties held in Moscow in November, 1960 will enter the history of the world communist and workers movement as one of its most vivid pages. This conference profoundly analyzed the present-day international situation and worked out positions common for our movement pertaining to the most important questions. As a result of this conference, held in an atmosphere of fraternal unity, the many-million-strong family of communists of all countries rallied even closer on the basis of Marxism-Leninism, and its forces in the heroic struggle for the triumph of the cause of peace and socialism increased.

Participating in the work of the conference, the most representative in the whole history of the communist and workers movement, were veterans of our movements hardened in class struggles who in long years of severe struggle had not faltered under the torture of fascist henchmen and other enemies of the working class. Participating in the conference were prominent leaders of Marxist-Leninist parties of socialist countries, representatives of communist parties which are waging under difficult conditions a heroic struggle against capitalism, the fighting leaders of the national liberation movement—in other words, the elite of the international communist movement.

Now, when in all countries of the world communists are vividly discussing and unanimously approving the statement of the conference and the appeal to the peoples of the world, it becomes particularly evident that the participants in the conference did not in vain spend much time and effort in their common cause. The working

people of mankind are convinced that the Marxist-Leninist parties have justified the hopes of the peoples.

More than one billion people of the countries of the socialist camp watched the work of the conference with rapt attention. They are confident that as a result of the conference the socialist camp will become even stronger and that the ranks of the international communist movement will be rallied even more closely.

The working class, the workers of the capitalist countries, awaited the answers to the questions on how best to carry on the struggle for their revolutionary aims, for social progress, for democratic rights and freedoms, and how to give a more successful rebuff to imperialist reaction.

The fighters for national independence awaited an answer to the questions on how one can rapidly put an end forever to the shameful system of colonialism and insure the development of the countries that have become liberated on the path of national independence, peace, and social progress.

All peace-loving mankind awaited the answer to the most burning question of the present day—how to prevent a world thermonuclear war and attain lasting peace on earth and friendship among all the peoples, and how to insure peaceful coexistence of states with different social systems.

Hundreds of millions of people in all the countries of the world felt a satisfaction on learning the results of the work of the conference.

As a result of the conference, the ideological treasure house of international communism has become greatly enriched. The statement unanimously adopted at the conference is a militant Marxist-Leninist document of tremendous international importance. It confirms allegiance of the communist parties to the declaration of 1957. At the same time it provides a profound analysis of new phenomena in the world arena and contains important theoretical and political deductions for the activity of all the Marxist-Leninist parties. The statement will serve as a true compass in the further struggle for the great aims that confront com-

\* Text of Nikita Khrushchev's report, "For New Victories of the World Communist Movement," at the meeting of party organizations of the Higher Party School, the Academy of Social Sciences, and the Institute of Marxism-Leninism Attached to the Central Committee of the CPSU on Jan. 6, as published in *Kommunist*, No. 1, January, 1961.

munists, the working class, and progressive people of all countries.

The declaration gives the Marxist-Leninist definition of the current era and shows the fresh prospects opening before the international communist, workers, and liberation movement. The documents of the conference point the way for development of the world socialist system and for further unification of the socialist camp. They determine the major problems of the struggle by the working class in capitalist countries, the struggle for liquidation of the disgraceful colonial system and unification of all forces acting against the threat of a new war.

The appeal to the peoples of the world contains a fiery call to unite in struggle for solution of the most burning problem of our times—prevention of a world war. The appeal again demonstrates that it is precisely we communists who are the most consistent defenders of the interests of the masses and indicate the only correct way of preserving and strengthening peace.

The work of the conference was imbued with a spirit of proletarian internationalism, party democracy, and an aspiration for even greater consolidation of the unity of the communist ranks. The delegations of all the parties presented their views, exchanged experiences, and contributed to the assessment and elaboration of the basic problems of the present day.

A strengthening of the unity of the ranks of the world communist movement and an even greater consolidation of the world communist front on the basis of the principles of Marxism-Leninism are the principal outcome of the conference. This is a new ideological and political victory for the communists, a victory of major historic significance. At the same time, it is another defeat for the enemies of communism and progress. The imperialists and their lackeys were bitterly disappointed when they studied the documents of the conference. We have every reason to state firmly that the unity of the world communist movement, which the imperialist reactionaries fear like the very devil, has now gained more strength. This is a great success for our common cause.

Our epoch is the epoch of the triumph of Marxism-Leninism.

The analysis of the world situation at the beginning of the sixties can only evoke in every fighter in the great communist movement feelings of profound satisfaction and legitimate

pride. Indeed, comrades, life has greatly surpassed even the boldest and most optimistic predictions and expectations. Once it was customary to say that history was working for socialism; at the same time, one remembered that mankind would dump capitalism and that socialism would be victorious. Today, it is possible to assert that socialism is working for history, for the basic content of the contemporary historical process constitutes the establishment and consolidation of socialism on an international scale.

In 1913, four years before the October Revolution, our immortal leader and teacher Vladimir Ilich Lenin wrote that since the time of the Communist Manifesto world history had been distinctly divided into three major periods: 1) From the 1848 Revolution to the Paris Commune in 1871, 2) from the Paris Commune to the Russian Revolution in 1905, and 3) since the Russian Revolution. He concluded the description of these periods this way: Since the emergence of Marxism each of the three great epochs in world history has been supplying it with new confirmations and new triumphs; but Marxism, as the teaching of the proletariat, will be supplied with even greater triumphs by the present historical epoch. These are prophetic words. They became reality with striking force and accuracy. The historical epoch brilliantly foreseen by Vladimir Ilich Lenin has become a qualitative, basic, new era in world history. Not a single preceeding era can be compared to it.

These were the eras when the working class was gaining strength, when its heroic struggle, though shaking the foundations of capitalism, was as yet unable to solve the major problem of the transfer of power into the hands of the workers.

The new era differs from all the preceeding ones in the universal historic triumph of socialism initiated in October, 1917. Since then Marxist-Leninist teaching has been achieving one triumphal victory after another, and now its strength and its transforming role are felt not only within individual countries and continents, but in social development in all parts of the world.

There are a number of reasons which make the march of socialism invincible. In the first place, Marxism-Leninism today dominates the minds of literally hundreds of millions of people and thereby constitutes, if one is to apply Marx's words, a mighty material

force. Furthermore, Marxism-Leninism now appears before mankind not only as a theory, but as a living reality. The socialist society which is being created in the boundless expanses of Europe and Asia today represents this teaching.

Now a force does not exist in the world, nor can one exist, that can hold back the increasing tendency by which the masses see with their own eyes and, so to speak, feel with their own hands, what socialism is like—no, not in books and manifestoes, but in life, in practice. There is now no force in the world that can stem the movement toward socialism by the peoples in all the new countries.

Another circumstance is of prime importance. If yesterday hundreds of millions of people in Asia, Africa, and Latin America were suppressed by the yoke of the imperialist civilizers, today the picture is radically changing. The revolutionary emergence of more and more peoples into the world arena creates exceptionally favorable conditions for an unprecedented broadening of the sphere of influence of Marxism-Leninism.

The time is not far away when Marxism-Leninism will possess the minds of the majority of the world's population. What has been going on in the world in the 43 years since the triumph of the October Revolution completely confirms the scientific accuracy and vitality of the Leninist theory of the world socialist revolution.

Under current conditions it is useful to recall, in Lenin's terms, the actual process of the world socialist revolution, the forces participating in it. The socialist revolution, Lenin indicated, will not be solely and largely a struggle by the revolutionary proletarians in each country against its own bourgeoisie. No, it will be a struggle by all the colonies and countries oppressed by imperialism, of all dependent countries, against international imperialism.

Stressing that this struggle is aimed primarily at national liberation, Lenin said: It is quite clear that in the future decisive battles of the world revolution, the movement of the majority of the population of the globe at first aimed at national liberation will turn against capitalism and imperialism and may play a much greater revolutionary part than we expect.

Now that the world socialist system has already come into existence, in

the time of the greatest upsurge of anti-imperialist national liberation revolutions, it is essential to determine the future course, the prospects of world events. This is impossible, however, without a deep understanding of the nature, substance, and character of the decisive tasks of our era. The question of the character of the era is by no means an abstract or a narrow theoretical question. The general strategic line and tactics of world communism, of each communist party, are closely related to it.

Ideologists of imperialism, including their accomplices in the camp of reformism and revisionism, are relying particularly on the distortion of the character of the present era. Such falsification pursues quite a definite aim: to disorientate the broad masses of the people, to lead them away from the revolutionary path, to bind them to the chariot of imperialism, to present things as if capitalism were not in agony, but were performing a sort of calculated evolutionary transformation toward socialism. This is precisely the notorious theory of the so-called transformation of capitalism.

The falsifiers maintain that literally all classes of society are interested in such a transformation and allege that, this being so, peace and harmony prevail in the world of capitalism. Such is the picture of the modern era painted by bourgeois ideologists, right-wing social democrats, and the revisionist renegades of communism. It is not fortuitous that the ideologists of capitalism are trying to substitute for the concept of capitalism and imperialism such artificial concepts as "people's capitalism" or "welfare state."

We must, of course, unmask these ideological diversions and oppose them by our scientific Marxist-Leninist assessment of the era. We must do that to determine correctly the correlation of forces, to exploit new possibilities which the present era opens up for the further advancement of our great cause.

What requirements should a Marxist-Leninist appraisal of our epoch meet? It should provide a clear idea of which class stands in the center of the era and what the essence, direction, and tasks of social development are. It should cover the whole revolutionary process from the formation of socialism to the full victory of communism. It should indicate the forces which side with the working class, standing in the center of our era, and the

movements which contribute to the general anti-imperialist stream.

Socialist revolution has achieved victory in a large number of countries, socialism has become a powerful world system, the colonial system of imperialism verges on complete disintegration, and imperialism is in a state of decline and crisis. The definition of our epoch must reflect these decisive events.

The statement of the conference provides the following definition of our era: Our era, whose essence is the transition from capitalism to socialism begun by the great October Socialist Revolution, is an era of the struggle of two diametrically opposed social systems, an era of socialist revolutions and national liberation revolutions, an era of the collapse of capitalism and of liquidation of the colonial system, an era of the change to the road of socialism by more and more nations, and of the triumph of socialism and communism on a world scale.

This definition of the nature of the current era can be regarded as an example of the creative, truly scientific solution of a big, weighty problem. The strength of this definition is that it correctly characterizes the main achievement of the world liberation movement and opens before the communist and workers movement clear prospects for the worldwide victory.

Defining the essence and nature of the entire current era, it is highly important that we understand the chief peculiarities and distinctive characteristics of its present stage. If one approaches an evaluation of the post-October period from the point of view of its principal motive forces, this period is clearly divided into two stages:

The first began with the victory of the October Revolution. This was the period of the assertion and development of, as Lenin put it, the national dictatorship of the proletariat—i.e., the dictatorship of the proletariat within the national boundaries of Russia alone. Although the Soviet Union, from the very first days of its existence, exercised an exceptional influence on international life, imperialism nevertheless greatly determined the course and nature of international relations. But, even then imperialism proved itself unable to smash the Soviet Union, to prevent its becoming the mighty industrial power which became the stronghold of the cause of progress and civilization, the center of attraction of all forces opposing imperialist

oppression and fascist enslavement.

The second stage of development of the current era is connected with the formation of the world socialist system. This is a revolutionary process with universal historic importance.

The October Revolution broke one link in the chain of imperialism. Then a frontal assault on the chain of imperialism was carried out. Previously one had spoken of a breach in the chain of imperialism through one or a number of links, but now, as a matter of fact, there no longer exists an all-enveloping chain of imperialism. The dictatorship of the working class has stepped out of the boundaries of one country, has become an international force.

Imperialism has lost not only those countries in which socialism was victorious; it is rapidly losing almost all its colonies. It is quite understandable that as a result of such blows and losses the general crisis of capitalism has greatly increased, and the balance of forces in the world arena undergone radical changes in favor of socialism.

The principal distinguishing feature of our time is the fact that the world socialist system is becoming a decisive factor in the development of human society. This has been directly reflected also in the sphere of international relations. Under present conditions, prerequisites have been created for socialism to increasingly determine the nature, methods, and ways of international relations. This does not mean that imperialism represents an infinitesimal quantity which can be disregarded. Not at all. Imperialism still possesses great strength. It possesses a strong military machine. Now imperialism has created, under peacetime conditions, a gigantic apparatus of war and a widespread system of blocs, and has subjected their economy to the arms race. American imperialists lay claim to the whole world living under their heel and threaten humanity with a rocket and nuclear war.

Contemporary imperialism is being characterized to an ever-increasing degree by decay and parasitism. In their evaluation of the prospects of international development, Marxist-Leninists do not permit and cannot permit any illusions concerning imperialism. There is countless evidence that imperialists are pursuing a policy of base provocations and aggressions. This is nothing new. What is new is that any intrigues by the imperialists not only

are completely exposed, but are also resolutely rebuffed, and their attempts to unleash local wars are being cut short.

For the first time in history, the present balance of power in the world arena enables the socialist camp and other peace-loving forces to pursue the completely realistic task of compelling the imperialists, under the threat of the downfall of their system, not to unleash a world war.

In connection with the possibility of averting a world war, I should like to dwell on the question concerning the prospects for a further development of the general crisis of capitalism. It is generally known that both World War I and World War II exerted enormous influence on the emergence and deepening of the general crisis of capitalism. Does it follow from this that a world war is a necessary condition for a further intensification of the general crisis of capitalism? Such a conclusion would be profoundly incorrect since it distorts the Marxist-Leninist theory of the socialist revolution and conflicts with the real reasons for revolution. A proletarian revolution does not result from military cataclysms; it is first of all a consequence of the development of the class struggle and of the internal contradictions of capitalism.

It is perfectly obvious that the establishment of the world system of socialism, the quick progress of the disintegration of the colonial system, the unprecedented upsurge of the struggle of the working class for its rights and interests—that all this undermines the support for capitalism, intensifies its general crisis. The losses of capitalism as a result of these blows are irreparable. This refers both to the entire system of capitalism and to its main power, the United States.

The mightiest power of capitalism has found itself most affected by the general crisis. In the postwar years the blows of economic shocks have fallen with particular frequency. In the postwar period, the United States has experienced three critical production slumps: 1948-1949, 1953-1954, and particularly 1957-1958. During the past year, according to estimates of the American press, U.S. industrial production increased by only 2 percent. For 1961, American economists predict not an increase but a decline of about 3.7 percent in production, and maybe even more. In the USSR production in-

creased about 10 percent in 1960.

It is precisely the monopoly capital of the United States that is revealing its incapability of using the production forces on hand. The richest country of the capitalist world is the country of the largest chronic unemployment. According to clearly optimistic official statistics, the number of unemployed in the United States rose from 2.6 million people in 1956 to 3.8 million in 1959, and to more than 4 million by the end of 1960. Moreover, there is a multimillion army of semiunemployed in the United States.

A constant feature in the United States is the growing below-capacity operation of industry. Some 37 percent of the productive capacity of the steel-smelting industry of the United States was idle in 1959, although the output of steel, following a steep reduction in the critical year of 1958, increased somewhat. At the end of 1960 less than half of the productive capacity of the steel-smelting industry was used.

In spite of an immense increase in military appropriations, the production growth rate in that country has been falling off in postwar years and is now just managing to keep ahead of the population increase. During 1956-1959, in per capita terms, the output of industrial products in the United States remained at the same level.

Although the United States remains the principal economic, financial, and military force of modern imperialism, its share in the economy and politics of the capitalist world is declining. The U.S. share of industrial output of capitalist countries has fallen from 54 percent in 1950 to 47.48 percent in 1959. While in 1950 the U.S. share in the capitalist countries' steel production amounted to 57.4 percent, in 1959 it fell to 40.4 percent. The U.S. share in the exports of capitalist countries sank from more than 30 percent in 1946, to 21 percent in 1953, and to 17.4 percent in 1959.

Nevertheless, American monopolists have been and remain the principal usurers and exploiters of the peoples. One is fully justified in concluding that both in the economic field as well as in the field of international politics the main power of capitalism has entered a phase of growing difficulties and crises—the phase of its decline.

As regards the economy of the other capitalist countries, it is also characterized by increasing instability.

Today the capitalist world is not

divided into two imperialist camps, as it was on the eve of both world wars. Nevertheless, it is far from united and is divided by a cruel internal struggle. Even the window of the so-called Atlantic solidarity hides an ugly picture of internal discords and conflicts; the opposition to U.S. leadership and diktat is increasing.

The revival of German militarism and revanchism in the center of Europe restores a most complicated range of Anglo-German, Franco-German, and other imperialist contradictions. If we compare the present position of capitalism with its position after World War II, it becomes clear that a great deepening in the general crisis of capitalism has taken place.

Having profoundly analyzed the whole international situation, the conference reached a conclusion which is of great theoretical and political significance. This conclusion states:

The development of the common crisis of capitalism has reached a new stage. The peculiarity of this stage is that it emerged not in connection with the world war, but in conditions of competition and struggle between the two systems; in the ever-increasing change in the correlation of forces to the advantage of socialism; in the acute aggravation of all the contradictions of imperialism; under conditions when the successful struggle of the peace-loving forces for establishment and stabilization of world coexistence has prevented the imperialists from undermining world peace with their aggressive actions; and under conditions of an increasing struggle by the masses for democracy, national liberation, and socialism.

This bespeaks the further development and deepening of the common crisis of capitalism. Our militant comrades from the communist parties in the capitalist countries take this into consideration in defining their further tactical line in the struggle for the cause of the working class. And it can be said with confidence that the near future will be marked with new successes by the united forces of world socialism, the working class, and the national liberation movement.

Extensive building of communism in the USSR and prospects for development of the world socialist system:

Comrades, the world socialist is the greatest moving force in modern times. The international working class and its communist vanguard regard it as

their duty to strengthen in every way the might and cohesion of the socialist camp—the stronghold of peace, freedom, and independence. It is well known that the conference devoted a great deal of attention to the further development of the world socialist system. The statement set forth important theoretical and political tenets of this development. I would like to dwell now on some of them.

As pointed out in the statement, the primary task of socialist countries is to exploit possibilities inherent in socialism to outstrip, as soon as possible, the world capitalist system in absolute volume of industrial and agricultural production, and then to overtake the most developed capitalist countries in per capita production and living standards.

The period since the 1957 conference of representatives of communist and workers parties is characteristic of the vigorous growth of the economic might and international influence of the world socialist system.

Since then the volume of industrial production in the socialist countries rose 37.1 percent and the industrial output in the capitalist countries increased 7.4 percent. During the same time industrial production in the USSR rose by 23 percent and in the United States by only 4.6 percent. The average annual rate of increase in all the socialist countries amounted to 17 percent, and in the capitalist countries to 3.6 percent. The average annual rate of increase in the USSR in that period amounted to 10.9 percent and in the United States to 2.3 percent.

Socialism has wrought such profound changes in all spheres of life in the people's democracies that today we can assert with legitimate pride that by now not only in the USSR but in all countries of the socialist camp the social-economic possibilities for the restoration of capitalism have been liquidated.

The world socialist system has entered a new stage of development. The C.P.S.U. Central Committee deemed it its duty to inform the world communist forum about the work of our party and to acquaint it with our immediate prospects. Our party is concentrating its efforts on solution of tasks in the extensive construction of a communist society. Chief among these tasks are creation of the material-technical base of communism, development on this foundation of communist social relations, and molding the

man of the future communist society.

The most important stage in the creation of the material-technical base of communism in our country is the seven-year plan. In the first two years of the seven-year plan industrial output, according to the target figures, had to increase 17 percent. In fact, however, it increased almost 23 percent. If the present rates are preserved, industrial output will not increase 80 percent in seven years as envisaged in the plan, but will almost double. This will mean that industrial production in an amount of about 90 billion new rubles will be produced in excess of plan.

To explain more clearly what this figure means, let me remind you that Vladimir Ilich Lenin reported with pride to the Fourth Congress of the Communist International that our country in 1922 for the first time had been able to invest 20 million rubles in heavy industry. You see how modest the figures of 1922 were and what possibilities we have today.

In connection with this I want to say a few words about metallurgy. The seven-year plan has been drawn up in such a way that we must produce 86 to 91 million tons of steel in 1965. Last year, we produced 65 million tons, and a 6-million-ton increase in the production of steel has been planned for 1961. This means that we will have to produce 71 million tons.

If in subsequent years of the seven-year plan we insure the same increase as in 1961, then, by the end of 1965, 95 million tons of steel could be produced. But if future steel production increases at the same speed as in the first three years of the seven-year plan, production in 1965 could amount to 100 to 102 million tons.

But at the moment we will not carry out a policy of developing ferrous metallurgy to the absolute limit. We will switch over part of the capital investment into agriculture and into light industry. It is impossible to build communism by offering only machines and ferrous and nonferrous metals. People should be able to eat properly and dress well, to have adequate housing conditions, and other material and cultural advantages. This is not a revision of our general line but a sensible utilization of our material possibilities.

When we were encircled by enemies our industry was weaker than that of capitalist countries, we economized in

everything and, as Lenin said, even in schools. Now the situation is different; we have a powerful industry, and our armed forces have the most modern arms. Why should we deny ourselves things which people can enjoy without jeopardizing the further development of our socialist state?

At the moment, the Central Committee of the C.P.S.U. and Soviet Government are working on a general plan for the development of the economy of the Soviet Union for the years 1960 to 1980. Truly breathtaking prospects are opening up in the creation of the material and technical base of communism and in raising the well-being of the people on the foundation of bringing to life the great predictions of our immortal leader and teacher V. I. Lenin.

Raising the culture of the popular masses is one of the greatest achievements of socialism. In 1959 there were 2.2 million students in the USSR. The number of workers engaged in intellectual labor now exceeds 20 million. The number of persons with secondary and higher educational training has grown considerably among people engaged in physical labor. Before the revolution none of the workers and peasants had secondary training, let alone higher education. Now, according to the latest census, of the citizens of the Soviet Union engaged in physical labor 32 percent have secondary or higher education, (39?) percent among workers and 21 percent among kolkhoz workers.

All this shows convincingly that we have already scored very perceptible achievements in gradually eliminating substantial differences between physical and intellectual labor.

The results of the very great cultural revolution which has taken place in our country have found vivid reflection in the achievements of Soviet science. The whole world admires these achievements—three Soviet artificial earth satellites, an artificial sun satellite, our luniks and spaceships. In all this can be seen successes and advantages of the socialist system, the socialist genius of the people building communism.

The first stage of all-out construction of communism encompassed by the seven-year plan is at the same time the decisive stage in the completion of the basic economic task of the USSR. Whereas in 1950 the Soviet Union produced less than 30 percent of the industrial output of the United

States, it now produces roughly 60 percent. As shown by calculations of economists, by 1965 the USSR will outstrip the United States in volume of production, and will outstrip the United States in per capita production by approximately 1970. Alongside the Soviet people, the peoples of other socialist countries are also selflessly working to solve the basic economic task of socialism.

The time is approaching when, in its share in world production, socialism will take first place. Capitalism will have been dealt a defeat in the decisive sphere of human activity—the sphere of material production.

Already as a result of fulfillment and overfulfillment of the seven-year plan, and of the high rate of development of the economies of the people's democracies, the countries of the world socialist system will be producing more than half of the world's entire industrial production.

The victory of the USSR in economic competition with the United States, the victory of the whole socialist system over the capitalist system, will be the biggest turning point in history, will exert a still more powerful, revolutionizing influence on the workers movement all over the world. Then, even to the greatest skeptics, it will become clear that it is only socialism that provides everything necessary for the happy life of man, and they will make their choice in favor of socialism.

To win time in the economic contest with capitalism is now the main thing. The quicker we increase economic construction, the stronger we are economically and politically, the greater will be the influence of the socialist camp on historical development, on the destiny of the world.

In the statement of the conference the need is emphasized for steady improvement of political and economic work, for constant perfection of the methods of leadership of the national economy, for scientifically backed socialist management. Our practice also confirms that a correct solution of these problems is quite important. We devote special attention to the problems of leadership being solved with regard to objective conditions, with neither a quickening nor a slowing of the rate of development being allowed.

In our country wide measures are being taken to place natural resources in the service of the construction of communism. Some 41 million hectares of virgin and waste lands have been

reclaimed—an area in which several West European states could be placed.

The cascade of gigantic hydroelectric power stations has created an almost fully regulated flow of the great Russian river Volga. The chain of still bigger hydroelectric power stations, notably the Bratsk GES, of over 4 million kilowatts capacity, forms the Angara cascade. Still more majestic stations of up to 5 million kilowatt capacity will place the mighty Siberian Yenisey at the service of communist construction.

In the center of the European USSR, excavation of one of the world's richest iron ore basins, the Kursk Magnetic Anomaly, has begun. Oil rigs are striding ever further to the east. In pre-revolutionary Russia three-fourths of the oil was produced in the Baku area. Under Soviet rule the output of oil in Baku has more than doubled. Nevertheless in 1959 the share of Baku oil related to the whole output of oil in the USSR comprised less than 15 percent.

The inexhaustible mineral wealth of Siberia, supplying our country with millions of tons of ferrous, nonferrous and rare metals, various mineral raw materials and industrial diamonds, is being discovered; millions of hectares of former drought land are being irrigated, and problems of diverting some larger northern rivers are being studied.

These are only individual examples of what fruitful results are obtained when scientifically based methods of management make it possible to make full use of the creative possibilities of socialism.

One of the most important integral parts in the work of the C.P.S.U. in the leadership of communist construction is working out theoretical problems raised by life. The practice of communist construction raises many such questions, which have no ready answers. We advance along unexplored paths in building communism. Mankind still does not possess the complete theoretical background and the experience of organizing all aspects of society's life under communism.

Of course, Marxists are familiar with general laws and principles defining the way of life under communism, but at present knowledge alone of the general laws is insufficient.

Communism has gone over from theory to direct practice. The party correctly solves new tasks of communist construction because it regards Marx-

ism-Leninism not as frozen theory but as a creative teaching which is developing without interruption.

In solving the practical tasks of communist construction, our party is constantly engaged in the further development of Marxist-Leninist theory. The great Lenin teaches that revolutionary Marxist theory is inseparable from revolutionary practice, that theory and practice cooperate and supplement one another, and that theory illuminates the path of practice.

Allow me to mention a number of theoretical problems dealt with by our party in recent years. These are the questions of the two stages of communism, of the transition from its first state to the second, higher stage. They are also the questions of the development of the production forces and production relations during the transition from socialism to communism, of the development of the socialist state system into communist self-government, of communist education of the workers, etc. I would like to dwell on some of these questions.

With the advance toward communism the direction of socialist economy grows more complicated. The relationship between the branches of this economy and the economic areas of the country are assuming an increasingly tighter character. In this connection our party devotes much attention to the working out of problems of the management of national economy and of the improvement of planning. In 1957 reorganization of the management of industry and building was carried out, branch ministries were liquidated, and sovnarkhozes were set up in economic administrative areas. The essence of this measure was to be found in the transfer of the actual direction of economic development to local areas, with the retention of centralized planning. Consequently the principle of democratic centralism was further developed; this conforms to the Leninist tenet which holds that with the advance to communism and the rise in cultural standards of the people the management of production will be organized on a democratic basis to an increasing extent.

Further our party revealed the ways of the development of the kolkhoz and cooperative ownership on a nationwide level, fusing them into one single communist ownership. The C.P.S.U. has worked out and has put into life a whole system of economic, political, and organizational measures aimed at

the strengthening and all-round development of the kolkhoz system and kolkhoz and cooperative ownership, that is, the reorganization of the MTS the sale of machines to kolkhozes, the changes in the system of procurement of farm produce and of price policy, the help with cadres for the countryside, etc.

Our party devotes much attention to the correct application of the socialist principle of distribution and to the transition in the future to the communist principle of distribution. It has shown the economic failure and the harmfulness of all manifestations of leveling and weakening of the principle of material incentive. As is well known, in the past we had cases of deviation from the principle of material incentive, particularly in agriculture, which caused serious damage to agricultural production and to the kolkhoz system. Contempt for the material requirements of the working people and the concentration of emphasis on enthusiasm and awareness, on social and moral forms of incentive and reward, hampered development of production and the raising of the living standards of the working people.

This had negative internal and even international consequences, for it lowered the prestige of the kolkhoz system and gave food to the enemies of communism. We eliminated the shortcomings that were allowed to develop, and are bringing about consistent adherence to the principle "from everyone according to his abilities, to everyone according to his work." This principle is a general obligation to work. Its implementation is of enormous importance for raising labor productivity, increasing workers' skill, and for raising people with the communist attitude that work is the most vital necessity. At the same time, our party is concerned with combining both material and moral stimuli for work. As we progress toward communism the moral factor will constantly rise. It is of great importance already.

The emergence and development of communist labor teams, shops, and enterprises is an outstanding phenomenon of Soviet reality. A transition to the communist principle "distribution according to need" will be implemented only when productive forces and labor productivity will have attained a level insuring the creation of an abundance of material goods, and when work will have become most vital to members of the society.

Now the main portion of national funds earmarked for consumption is distributed according to the amount of work. At the same time, a considerable portion of the needs of working people is satisfied free of charge. Allocations for social and cultural undertakings, for popular education and medical services, which are enjoyed free by all the citizens, now amount to almost 25 billion rubles annually. Increasing public funds for personal consumption is regarded by us as a communist way of raising the living standards of working people.

The party pays much attention to the critical questions concerning the socialist state. In our country, where exploiting classes ceased to exist a long time ago, a gradual dying off of the organs of state administration is taking place first of all among those who exercise the functions of compulsion. Our party is holding to a strict course in the further development of democracy, in the handing over of individual functions of state organs to public organizations, in the development of public foundations in every sphere of political and cultural life, in the attraction of the broadest masses of working people in the administration of economy, in the safeguarding of public order, in the struggle against violators of the law, and so forth. This course not only does not weaken but, on the contrary, strengthens socialist society and corresponds to the prospects of the transformation of the socialist state into a communist public self-government.

These and other questions concerning the theory and practice of building communism will be reflected in the new program of the C.P.S.U. This program is being worked out at present. It will be discussed by the party and will be adopted at the forthcoming 22d congress of the party.

The statement expresses the common concern of Marxist-Leninist parties for successful progress in every socialist country so that the tasks of socialist building may be solved correctly, in the interests of each country and the socialist camp as a whole.

In this connection, the great significance of the collective experience of the socialist countries, accumulated on the basis of socialist building in different countries, has been noted. Our party attentively studies the experience of the fraternal parties of socialist countries, which add much that is of value to the Marxist-Leninist theory

of building the new society. Now collective experience in the building of socialism has been accumulated. This experience is a valuable property of the whole international communist movement. The study and correct use by all the fraternal parties of collective experience are a most important condition for the development of each socialist country.

In the part of the earth occupied by the world socialist system, the prototype of a new society for all mankind is being created. This places a particular responsibility on the communist parties of all the socialist countries. Given correct political and economic leadership, taking into account both the general laws of the building of socialism, the specific conditions of individual countries, and the special features and requirements of each stage of development, we can make even more active use of the advantages of socialism and we can attain fresh successes.

The countries of the world socialist system are coming closer and closer together, strengthening their cooperation in all spheres of activity. This is a natural process. There are not and cannot be any insoluble contradictions between the socialist countries. The more highly developed and economically powerful countries give unselfish, brotherly help to the economically undeveloped. About 500 industrial enterprises and installations have been built in the fraternal socialist countries with the help of the Soviet Union; loans and credits advanced by us to these countries total 7.8 billion new rubles.

At the same time, we consider it our duty to point out that the fraternal countries of socialism, in their turn, cooperate with the Soviet Union in the development of our economy. The world socialist system at the present time is an association (sovokupnost) of the national economies of sovereign, independent countries.

The growing strength of the links between the national economies of the socialist countries is a natural law of the development of the world socialist system. It can be said with justification that it is the line of strengthening the world socialist economic system which the further development of the socialist countries will follow, as shown by the statement that the Marxist-Leninist parties which are at the helm of leadership in these countries are unanimous in their desire to actively further this process.

They are jointly working for a proper solution of problems of specialization and cooperation of production, international division of labor. Thus they contribute to a fuller utilization of the advantages offered by socialism.

Coordination of national economic plans has become the basic form of combining the productive efforts of socialist countries at the present stage. It is in the interest of all countries to perfect this work, particularly in connection with the task of working out the long-term plan for the expansion of the national economies of socialist countries. The consolidation of the common economic base of the world socialist system, the creation of a material base for a more or less simultaneous transition of the peoples of the socialist system to communism will be achieved more rapidly to the degree that the internal resources of each country are fully mobilized within this system, to the degree that the advantages of the socialist international division of labor are used more adequately. It is on this basis that the balancing of the levels of economic expansion is taking place.

By solving the task of gradually overcoming the differences which have arisen in the course of history in the levels of economic development, we are showing to the peoples of the whole world the communist way toward liquidation of economic and cultural backwardness to which they have been doomed by imperialism.

The effectiveness of this was first demonstrated by the example of certain central Asian and Caucasian peoples, backward in the past, who when greatly assisted by the more advanced socialist nations, notably by the Russian nation, quickly overcame their backwardness and have now taken their place in the ranks of the industrially developed regions of the country. This process is now taking place within the whole socialist system.

The common duty is to continue in every way to strengthen the solidarity, unity, collaboration, and mutual aid of socialist countries. The statement of the conference says communist and workers parties are tirelessly rearing workers in the spirit of socialist internationalism, in the intolerance of all manifestations of nationalism and chauvinism, in the solidarity and unity of communist and workers parties. In their fidelity to the Marxist-Leninist teaching the peoples of the socialist countries have the main source of the

strength and invincibility of each socialist country and of the socialist camp as a whole.

The communist and workers parties have defined the correct principles, those in the spirit of Marxism-Leninism and proletarian internationalism and of interrelationship of socialist countries and nations. Of course, in so new and major a matter individual shortcomings and some rough edges are unavoidable. The socialist commonwealth, however, is characterized not by these shortcomings of a private nature, but by the essentially internationalist nature of socialism, the internationalist policy of the fraternal parties and countries, and the world-historic successes achieved because of it.

Regarding the shortcomings, we must remove them, being guided by the principles of Marxism-Leninism, international solidarity, and fraternal friendship, keeping as the main aim the solidarity of the socialist camp. The Soviet Union has always sacredly fulfilled and is fulfilling its international duty, placing the unity of countries of the socialist camp, of the international communist movement, above all else. Our communist party will continue to adhere to this, its immutable policy.

The further solidarity of socialist countries on principles of Marxism-Leninism will create still greater possibilities for solving the most important problems of the present time in a new manner, in the interests of peace, democracy, and socialism.

The prevention of a new war is the question of all questions:

Comrades, questions of war and peace were at the center of attention at the conference. The participants were fully aware that the problem of preventing a global thermonuclear war is the most burning and vital problem for mankind. V. I. Lenin pointed out that since World War I the question of war and peace has become the cardinal question in the entire policy of all countries on earth, a question of life and death for tens of millions of people. These words of Lenin resound with increased force in our days, when an application of the new means of mass destruction threatens unprecedented devastation and the death of hundreds of millions of people.

There is now no more urgent task than the prevention of such a catastrophe. The conference has discovered and outlined ways of using even more effectively the new opportunities of

preventing a world war which emerged as a result of the formation of the socialist camp, the growth of its might, and the new balance of power. The peoples believe that communists will use the entire might of the socialist system and the increased strength of the international working class to deliver mankind from the horrors of war. Marx, Engels, and Lenin considered that the historic mission of the working class and its communist vanguard consisted not only in abolishing the oppression of exploitation, poverty, and lack of rights, but in ridding mankind of bloody wars.

V. I. Lenin nurtured our party in a spirit of implacable struggle against imperialism, for stable peace and friendship among all peoples. These principles have always been and continue to be the essence of our foreign policy. Our party remembers Lenin's words to the effect that while dying and disintegrating, capitalism is still capable of causing great calamities to mankind. The party always maintains the greatest vigilance regarding the danger emanating from imperialism. It nurtures the Soviet people in this spirit and does everything necessary to make it impossible for the enemy ever to catch us unawares.

We warn of a threat of war in order to raise the vigilance and energy of the peoples and to mobilize them for the struggle to prevent world war. The attitude of the C.P.S.U. toward problems of war and peace are generally known. It has been more than once expounded in decisions of congresses and in other documents of our party.

Wars have followed the division of the society into classes, i.e., the basis for the beginning of all wars will be finally eliminated only when the division of the society into hostile antagonistic classes is abolished. The victory of the working class throughout the world and the victory of socialism will bring about the removal of all social and national causes of the outbreak of wars, and mankind will be able to rid itself forever of that dreadful plight.

In modern conditions the following categories of wars should be distinguished: World wars, local wars, liberation wars, and popular uprisings. This is necessary to work out the correct tactics with regard to these wars.

Let us begin with the question of world wars. Communists are the most determined opponents of world wars,

just as they are generally opponents of wars among states. These wars are needed only by imperialists to seize the territories of others, and to enslave and plunder other peoples. Before the formation of the world socialist camp the working class had no opportunity to make a determining impact on the solution of the question of whether there should or should not be world wars. In these conditions the best representatives of the working class raised the slogan of turning imperialist wars into civil wars, or to exploit the situation that had arisen to seize power.

This kind of situation arose during the World War I and was classically used by the Bolshevik Party and Lenin. In our times different conditions have developed. The world socialist camp is making an ever-growing impact, through its economic might and its armed forces, on the solution of problems of war and peace.

Of course, there also are among the imperialist countries acute contradictions and antagonisms, as well as the desire to profit at the expense of others who are weaker; yet imperialists now must keep an eye on the Soviet Union and the whole socialist camp, and are afraid of starting wars among themselves. They are trying to play down their differences; they have set up military blocs in which they have involved many capitalist countries. Although these blocs are being torn by internal struggle, their members—as they themselves say—are united in their hatred of communism and, of course, by the nature and aspirations of imperialism.

In present conditions, the most probable wars are wars among capitalist and imperialist countries, and this too should not be ruled out.

Wars are chiefly prepared by imperialists against socialist countries, and in the first place against the Soviet Union as the most powerful of the socialist states. Imperialists would wish to undermine our might and thus re-establish the former domination of monopolistic capital. The task is to create impassable obstacles against the unleashing of wars by imperialists. We possess increasing possibilities for placing obstacles in the path of the warmongers. Consequently, we can forestall the outbreak of a world war.

Of course, as yet we are unable to completely exclude the possibility of wars, for the imperialist states exist. However, the unleashing of wars has become a much more complicated busi-

ness for the imperialists than it was before the emergence of the mighty socialist camp. Imperialists can unleash a war, but they must think hard about the consequences.

I already said that even if the crazy Hitler had realized what a devastating rout was in store for his bloody gamble and had seen that he would have to commit suicide, he would have thought twice before starting a war against the Soviet Union. Then there were but two socialist countries, the Soviet Union and the Mongolian People's Republic, and yet we routed the aggressors, having also exploited the contradictions between imperialist states.

The picture now is quite different: the socialist countries, which represent a mighty force, now oppose the imperialist camp. It would be a mistake to minimize the strength of the socialist camp and its influence on the course of world events and thus on the solution of the question of whether wars will take place. In conditions where a mighty socialist camp exists, possessing powerful armed forces, the peoples, by mobilization of all their forces for active struggle against the warmongering imperialists, can indisputably prevent war and thus insure peaceful coexistence.

A word or two about local wars. A lot is being said nowadays in the imperialist camp about local wars, and they are even making small-caliber atomic weapons for use in such wars; a special theory of local wars has been concocted. Is this fortuitous? Of course not. Certain imperialist circles, fearing that world war might end in the complete collapse of capitalism, are putting their money on unleashing local wars.

There have been local wars and they may occur again in the future, but opportunities for imperialists to unleash these wars too are becoming fewer and fewer. A small imperialist war, regardless of which imperialist begins it, may grow into a world thermonuclear rocket war. We must therefore combat both world wars and local wars.

As an example of a local war unleashed by the imperialists, we may take the Anglo-French-Israeli aggression against Egypt. They wanted to strangle Egypt and thus intimidate the Arab countries struggling for independence, and also to frighten the other peoples of Asia and Africa. British statesmen, including Eden, spoke

quite openly of their desire to deal summarily with Egypt when we were in London. We told them frankly: If you start a war, you will lose it; we will not remain neutral. When that war started, the United Nations formally condemned it, but this did not worry the aggressors and they went on with their dirty deed and even thought they had almost achieved their ends. The Soviet Union and the whole socialist camp came to the defense of Egypt. The Soviet Government's stark warning to Eden and Guy Mollet stopped the war. The local war, the venture in Egypt, failed miserably.

This was in 1956, when the balance of power between the countries of socialism and the countries of imperialism was not the same as it is today. We were not as mighty then as we are today. In addition, the rulers of Britain, France, and Israel reckoned on being able to utilize the difficulties which had arisen in Hungary and Poland. Spokesmen of imperialist states were whispering into our ears: You have your difficulties in Hungary, we have ours in Egypt; therefore do not interfere in our affairs. Yet we gave a due reply to these whispers. We did not shut our eyes to their bandit deeds. We interfered and stopped their aggression. Here is an example of how a local war started by the imperialist was stopped as a result of the interference by the Soviet Union and the entire socialist camp.

I have already said that local wars are also not excluded in the future. Therefore, our task is to be always on guard, mobilizing both the forces of the socialist camp and the peoples of the world, all the peace-loving forces, for prevention of aggressive wars. If the peoples of all countries are united and mobilized, if they wage a tireless struggle, uniting their efforts both inside each country and on a world scale, wars can be averted.

Now a word about national liberation wars. The armed struggle by the Vietnamese people or the war of the Algerian people, which is already in its seventh year, serve as the latest examples of such wars. These wars began as an uprising by the colonial peoples against their oppressors and changed into guerilla warfare. Liberation wars will continue to exist as long as imperialism exists, as long as colonialism exists. These are revolutionary wars. Such wars are not only admissible but inevitable, since the colonialists do not grant independence

voluntarily. Therefore, the peoples can attain their freedom and independence only by struggle, including armed struggle.

How is it that the U.S. imperialists, while desirous of helping the French colonialists in every way, decided against direct intervention in the war in Vietnam? They did not intervene because they knew that if they did help France with armed forces, Vietnam would get relevant aid from China, the Soviet Union, and other socialist countries, which could lead to a world war. The outcome of the war is known. North Vietnam was victorious.

At present, a similar war is taking place in Algeria. What kind of war is it? It is the uprising of the Arab people in Algeria against French colonizers. It is being conducted in the form of a partisan war. The imperialists in the United States and Britain render assistance to their French allies with arms. Moreover, they have allowed France, a participant in NATO, to transfer its troops from Europe for the struggle against the Algerian people.

The Algerian people, too, receive assistance from neighboring and other countries that sympathize with their peace-loving aspirations. But it is a liberation war of a people for its independence, it is a sacred war. We recognize such wars, we help and will help the peoples striving for their independence.

Or let us take Cuba's example. A war took place there too. But it also started as an uprising against the internal tyrannical regime supported by U.S. imperialism. Batista was a protege of the United States. The latter rendered active assistance to him. However, the United States did not interfere in that war directly with its armed forces. The Cuban people, under the leadership of Fidel Castro, have won.

Can such wars flare up in the future? They can. Can there be such uprisings? There can. But these are wars which are national uprisings. In other words, can conditions be created where a people will lose their patience and rise in arms? They can. What is the attitude of the Marxists toward such uprisings? A most positive one. These uprisings must not be identified with wars among states, with local wars, since in these uprisings the people are fighting for implementation of their right for self-determination, for independent social and national development. These are uprisings against

rotten reactionary regimes, against the colonizers. The communists fully support such just wars and march in the front rank with the peoples waging liberation struggles.

Comrades, mankind has come close to the historic point where it can solve all problems which were beyond the strength of former generations. This also concerns the most vital issue, the prevention of a world war. The working class, which already leads a large part of the world—and the time will come when it will lead the whole world—cannot allow the forces doomed to ruin to drag hundreds of millions of people to the grave with them.

A world war in present conditions would be a rocket and nuclear war, the most destructive war in history. Among hydrogen bombs already tested are those in which the power of one bomb exceeds by several times the force of all explosives used during the World War II—and even during all of mankind's existence. According to scientific calculations, the explosion of a single hydrogen bomb in an industrial area can destroy up to 1.5 million people, and cause death from radiation to another 400,000.

Even a medium-sized hydrogen bomb is sufficient to wipe a large town off the face of the earth. British scientists have concluded that four megaton bombs, one each for London, Birmingham, Lancashire, and Yorkshire would destroy at least 20 million people. According to data submitted to the Senate by American experts, losses after 24 hours of nuclear war are expected to total 50 to 75 million people.

Pauling, a well-known American scientist, states: The areas likely to suffer strong nuclear blows are inhabited by about 1 billion people. In 60 days from the moment of atomic attack, 500 to 750 million people could perish. Nuclear war would also bring innumerable hardships to the peoples of those countries not directly subjected to bombing; in particular, many millions would perish as a result of the lethal consequences of radiation.

We know that if the imperialist madmen unleash a world war capitalism would be wiped out and annihilated by the peoples. But we are resolutely opposed to war, first of all because we are concerned for the destiny of mankind, its present and its future. We know that in the event of war it is the working people and their

vanguard, the working class, that would suffer most. We remember how Vladimir Ilich Lenin formulated the question of the destiny of the working class. As early as in the first few years after the revolution, when the world's first state of workers and peasants was in a state of siege, Ilich taught that if we save the working man, the main producing force of mankind, we will save everything, but we will perish if we fail to save him.

Now there is more than one worker-peasant state in the world, there is an entire system of socialist states. Our duty to history is to insure peace and peaceful development of this great offspring of the international working class and to protect the peoples of all countries from another destructive war. The victory of socialism throughout the world, which is inevitable because of the laws of historic development, is now near. For this victory, wars among states are not necessary.

A sober appraisal of the inevitable consequences of nuclear war is the indispensable condition for a persistent pursuance of a policy of preventing war and of mobilizing the masses for the solution of this task.

After all, the very appreciation of the threat of devastating war strengthens the will of the masses to struggle against war. Therefore it is essential to warn the masses of the most dangerous consequences of a new world war and, thereby, to rouse the sacred wrath of the peoples against those who are preparing this crime.

The possibility of preventing war is not something like a gift. Peace cannot be begged for; it can only be assured by active purposeful struggle. That is why we have waged and will wage such a struggle.

The entire foreign policy of the Soviet Union is directed toward the strengthening of peace. The growing might of our state has been used by us and will in the future be used not to threaten anyone, not to fan the fear of war, but to steadfastly pursue a policy of struggle against the danger of war, for the prevention of a world war. We have been and are prompted by the desire to maintain and strengthen friendly relations with all peoples in the interests of peace, on the basis of the principles of peaceful coexistence.

Comrades, life itself bears out the correctness of the Leninist policy of peaceful coexistence of states with diverse social systems, consistently pur-

sued by the Soviet Union and the other socialist countries. Our party considers the policy of peaceful coexistence, which has been handed down to us by Lenin, to be the general line of our foreign policy. Peaceful coexistence is the high road of international relations between socialist and capitalist countries. The consistent implementation of the policy of peaceful coexistence strengthens the position of the world socialist system, promotes the growth of its economic might, its international prestige and influence among the people's masses, and creates for it favorable foreign-political possibilities in peaceful competition with capitalism.

Because the countries of the socialist camp are putting into effect a correct policy, a policy of active struggle against the imperialist warmongers, the prestige of the Soviet Union and of all socialist countries has risen to an unprecedented height. It is, after all, a fact that countries of socialism now have very good international positions.

The prestige of fraternal parties in the capitalist states, operating in particularly difficult conditions, is also growing from day to day. The world today acknowledges that the active, effective, influential foreign policy of the Soviet Union, of all socialist countries, draws to the side of peace and socialism more and more millions of people.

The policy of actively struggling for peace has imparted dynamic force to the foreign policy acts of the socialist countries. In recent years, the initiative in the international arena has been in the hands of the Soviet Union, the socialist countries, while the imperialist states and their governments defend themselves with their backs to the wall their prestige and foreign political stock have never been so low.

Peaceful coexistence helps to develop the forces of progress, the forces struggling for socialism, and in capitalist countries it facilitates the activities of communist parties and other progressive organizations of the working class. It facilitates the struggle the people wage against aggressive military blocs, against foreign military bases. It helps the national liberation movement to gain successes.

Thus, the policy of peaceful coexistence, as regards its social content, is a form of intense economic, political, and ideological struggle of the proletariat against the aggressive forces of imperialism in the interna-

tional arena.<sup>1</sup>

The struggle against imperialism can be successful only if its aggressive acts are resolutely rebuffed. Verbal exhortation will not contain the imperialist adventurers. There is only one way of bringing imperialism to heel, the unflagging consolidation of the economic, political, and military might of the socialist states, an all-out unification and consolidation of the world revolutionary movement and the mobilization of the broad popular masses for the struggle to prevent the danger of war.

The C.P.S.U. and Soviet Government will continue with determination to do everything to enhance the military might of our country, since the imperialists continue the arms race. In rebuffing the aggressive actions of imperialism, our party and government display firmness and presence of mind. We always seek to direct the development of events in a way which insures that, while defending the interests of the socialist camp, we do not provide the imperialist provocateurs with a chance to unleash a new world war.

We set ourselves the task of exposing the aggressive essence of all military-political alignments of the imperialists like NATO, SEATO, and CENTO, of seeking their isolation and ultimate liquidation. We have repeatedly stated that in those circumstances we are willing to terminate the Warsaw Treaty. All peoples in the world gain from the liquidation of military alignments. This would be a most important concrete contribution to the consolidation of peace, improvement of the international atmosphere, and a major success of the policy of peaceful coexistence. In spite of all their efforts the imperialists lately have not succeeded in involving a single new state in their military alignments. It is significant that all new independent states have declared their intention to pursue a policy of nonparticipation in military blocs.

The struggle against the revival of German militarism is of particular importance for the consolidation of peace in Europe, and not only in Europe.

The Soviet Union is waging this struggle together with the GDR, Poland, Czechoslovakia, and other socialist countries in various directions. The most important of these is the struggle for a peace treaty.

The program of peaceful German settlement submitted by socialist states and the solution on this basis of the

question of West Berlin have to a great extent assisted in exposing the aggressive circles of the United States, the German Federal Republic, and other NATO participants as opponents of a relaxation of tension.

The international positions of the GDR—the outpost of socialism in Western Europe—have become stronger. The positions of the United States, Great Britain, and France have turned out to be particularly vulnerable in West Berlin. These powers are still trying to cling to the old statutes. They cannot fail to understand that sooner or later an end will come to the occupational regime in this city. It is essential to continue, step by step, to bring the aggressive imperialist circles to their senses, to compel them to take the actual position into account. If they are stubborn, we will adopt decisive measures. We will conclude a peace treaty with the GDR because we are fully determined to insure the conclusion of a peace treaty with Germany at last, to do away with the occupational regime in West Berlin, and, thus, to eradicate this splinter from the heart of Europe.

Comrades, if the problem of all problems of our time is that of averting a new war, the most radical way of solving it is disarmament. The conference of representatives of Marxist-Leninist parties has declared that the implementation of the program of general and complete disarmament, put forward by the Soviet Union, could be of historic significance for the destiny of mankind. Our struggle for disarmament is not a tactical move. We sincerely want disarmament. Here we stand fully on the positions of Marxism-Leninism. At the end of the last century, Engels indicated that disarmament was possible and qualified it as a "guarantee of peace." In our time the slogan of disarmament was first put forward as a practical task by Vladimir Ilich Lenin and the first Soviet proposals on full or partial disarmament—if the capitalists will not agree on full disarmament—were submitted at the Genoa conference.

The struggle for disarmament is the most important factor for averting war. It is an effective struggle against imperialism. In such a struggle the socialist camp has the majority of mankind on its side. The ideals of peace and progress are our vital ideals. After all, the constituent manifesto of the First International, written by Marx, contained an appeal that the simple

laws of morality and justice, which ought to guide private individuals, should become the highest laws in relations between nations.

When we raise the slogan of the struggle for peace without weapons and without war, we naturally take into account that under modern conditions, while two different world social systems exist, there still are in the imperialist camp some forces, and quite considerable ones at that, which not only do support this slogan but fight against it.

The question of the struggle for communism is a class struggle, but in the struggle for peace not only the forces of the working class, peasantry, and petty bourgeoisie can be united, but even the part of the bourgeoisie which sees the real danger of thermonuclear war.

Consequently the slogan of the struggle for peace does not contradict the slogan of the struggle for communism. These two slogans harmonize with each other because in the eyes of the broad masses of people communism acts as a force capable of saving mankind from the horrors of modern destructive rocket-nuclear war, and imperialism is being associated in the minds of the masses with war more and more, as a system which engenders wars. Therefore, the slogan of the struggle for peace appears as a satellite of the slogan of the struggle for communism. As correctly stated in the statement, the movement of peace partisans is the broadest movement of modern times, embracing people of different political and religious views, belonging to different classes of society, but united by the noble endeavor to prevent new wars and to insure lasting peace.

Among the people who fight for peace, there are representatives of various social strata, various political opinions, and religious outlooks. The struggle for disarmament is an active struggle against imperialism, for restricting its military potentialities. Peoples must do everything to achieve the prohibition and destruction of atomic weapons and all other mass destruction weapons. Peace will then be insured and there will open before peoples the most favorable prospects for organizing their lives in accordance with their aspirations and interests.

The primary condition of progress in disarmament is the mobilization of the broadest masses of people and their increasing pressure on imperialist

governments. In the capitalist camp, policy regarding socialist countries follows two trends: a militant-aggressive trend, and a moderate-sober trend.

Vladimir Ilich Lenin pointed out the necessity for establishing contacts with those circles of the bourgeoisie which gravitate toward pacifism, even if it should be of the poorest quality. He said that in the struggle for the preservation of peace we must also use prudent representatives of the bourgeoisie.

The correctness of these words is confirmed by the events of our times, too. Among the ruling classes of the imperialist camp a fear for the future of capitalism prevails.

The most reactionary circles are showing increasing nervousness and a tendency toward adventurism and aggression, which they hope will help improve the shaken state of their affairs. At the same time, among the ruling circles in those countries there are also forces which understand the danger of a new war to capitalism itself. Hence there are two tendencies: one as aiming at war, and the second at accepting the idea of peaceful coexistence in some form.

The socialist states in their policy take these two tendencies into consideration. They strive for negotiations and agreements with the capitalist countries on the basis of constructive proposals. They endeavor to develop personal contacts among statesmen of socialist and capitalist states. It is also essential in the future to make use of every opportunity to expose the supporters of the cold war, the supporters of the arms race, to show to the popular masses that the socialist countries are sincerely waging the struggle to insure universal peace.

The awareness is becoming stronger among all peoples that it is the communists who are for the building of relations among states on the basis of peaceful coexistence, that it is they who are the most ardent and consistent fighters for peace. We can be proud of the fact that the peoples' notion of peace and communism are all the more being identified as a single unit.

The communists feel that if all progressive and peace-loving forces of our times, countries belonging to the socialist system, the international working class, the national liberation movement, young national states and all countries opposing war, all peace partisans, will wage a resolute struggle against the danger of war, they can

tie the hands of warmongers and prevent a new world war catastrophe. It is essential day by day to enlist in the struggle for peace new strata of the population, eliminating a passive attitude which unfortunately is to be found among some social strata in bourgeois states. The struggle against the danger of a new world war must be developed without waiting for the full fall of atomic and hydrogen bombs, the statement stresses.

One of the decisive sources of the moral strength of communism, of its great influence on the masses, is that it comes forth as a standard-bearer in the struggle for peace. It is the banner of peace that enables us to rally the broadest popular masses around us. If we carry high the banner of peace, we shall score even greater successes.

The communists regard it their sacred duty to make full use of all possibilities created for the peoples by the present era to curb the bellicose forces of imperialism, to prevent a new war.

The present international communist and workers movement has attained such might and organization that it poses for itself the practical task of delivering mankind from the calamities of a new war. The statement of the conference says: The communists see their historical mission not only in abolition of exploitation and poverty all over the world and in excluding forever the possibility of any war in the life of human society, but in delivering mankind in the current era from the nightmare of a new world war. The communist parties in all countries will devote all their strength and energy to the realization of this great historic mission.

Liquidation of colonialism and ways for the further development of countries which have liberated themselves:

Comrades, the peoples which achieved national independence have become a new and powerful force in the struggle for peace and social progress. The national liberation movement deals more and more blows against imperialism, helps consolidation of peace, contributes to speeding mankind's development along the path of social progress. Asia, Africa, and Latin America are now the most important centers of revolutionary struggle against imperialism. In the postwar period about 40 countries won national independence. Almost 1.5 billion people have wrenched themselves out of co-

lonial slavery.

The conference has correctly pointed out that the crumbling of the system of colonial slavery under the pressure of the national liberation movement is the second phenomenon of historic importance after the formation of the world system of socialism.

New remarkable pages are opening in the history of mankind. It is easy to imagine what majestic deeds these peoples will perform after they completely evict the imperialists from their countries, when they feel that they are masters of their own fate.

This vastly multiplies the progressive forces of mankind. For example take Asia, this ancient cradle of civilization. What inexhaustible strength lies hidden in the peoples of this continent! And will the Arab people with their heroic traditions, and all the peoples of the Middle East, which have already freed or are freeing themselves from political and economic dependence on imperialism, play any lesser role in the solution of tasks now facing mankind?

A remarkable phenomenon of our time is the awakening of the peoples of Africa. Dozens of states in north and central Africa have already achieved independence. The south of Africa is seething and there is no doubt that the fascist prisons in the Union of South Africa will collapse, that Rhodesia, Uganda, and other parts of Africa will become free.

The forces of the national liberation movement are greatly increasing owing to the fact that one more front of active struggle against American imperialism has been formed in recent years. Latin America has become this front. Until recently that vast continent was identified by one concept: America. This concept greatly expressed its substance: Latin America was bound hand and foot by Yankee imperialism.

By their struggle, the Latin American peoples are showing that the American continent is not an appendage of the United States. Latin America is reminiscent of an active volcano: the lava of the liberation struggle has swept away dictatorial regimes in a number of Latin American countries.

The whole world has heard the thunder of the heroic Cuban revolution. The Cuban revolution is not only repelling the onslaught of the imperialists; it is going deeper and broader, marking a new, higher stage of the national liberation struggle, with people coming to power, with

the people themselves becoming masters of their own wealth, solidarity with revolutionary Cuba is the duty not only of the people of Latin America; it is also the duty of the socialist countries, of the entire international communist movement, the proletariat of all areas of the world.

The national liberation movement is an anti-imperialist movement. With the collapse of the colonial system, imperialism has become considerably weaker. Vast territories, tremendous masses of people, have already ceased or are ceasing to serve as its reserve, a source of cheap raw material and cannon fodder. Asian, African, and Latin American countries, with the support of the socialist states and all international progressive forces, are more and more often defeating the imperialist powers and coalitions.

We gladly welcomed in Moscow the participants of the conference from the fraternal communist parties of countries of Asia, Africa, Latin America, stalwart fighters for the independence and free development of peoples. Now communist parties are functioning in nearly 50 countries of these continents. This has broadened the sphere of influence of the communist movement, given it a truly worldwide character.

V. I. Lenin, speaking in 1919 at the Second All-Russian Congress of the Communist Organizations of the Peoples of the East, said: If the Russian Bolsheviks succeeded in making a breach in the old imperialism, to take upon themselves the extraordinarily difficult but extraordinarily noble task of creating new revolutionary ways, then you—representatives of the working masses of the East—are faced with still a greater and newer task.

Lenin saw this task in awakening the revolutionary activity, independent action, and organization of the working masses irrespective of the level at which they are in applying communist teaching to the specific conditions in their countries, merging in the common struggle with proletarians of other countries.

When Lenin put forward this task, it had not yet been executed in practice anywhere, and the way it could be executed in concrete form could not be learned from any book. Now the communist parties of the countries struggling for national independence, or those that have already attained it, exist under immeasurably more favorable conditions, for there is the

gigantic experience of the application of the theory of Marxism-Leninism in the conditions of countries and areas which had been doomed by capitalism to backwardness for ages to come. This experience, amassed by the world communist movement is a rich treasure house for all communists. The correct application of this experience, the correct determination of which policy should be pursued, naturally can be done only by the actual party functioning in the given country.

These parties have concentrated their attention on what is most important: how to approach their own peoples *correctly*, to convince the broadest masses that their best future is indissolubly connected with the struggle against imperialism and reactionary internal forces, and also how to strengthen international solidarity between socialist states and the communist advance guard of the world toilers. The renovation of the world on the principles of freedom, democracy, and socialism in which we are participating is a great historic process in which various revolutionary and democratic movements unite and work in concert under the determining influence of socialist revolutions.

The successes of the national liberation movement are to a great extent conditioned by the victories of socialism and, in their turn, strengthen the international positions of socialism in the struggle against imperialism. The policy of the communist parties and socialist states aimed at strengthening the close union with the peoples struggling for their independence or those who have already achieved it, is based on this truly Leninist understanding of these historical processes.

Bourgeois and revisionist politicians allege that the development of the national liberation movement is independent of the working class struggle for socialism, independent of the socialist states' support, that it is the colonizers who grant freedom to the peoples of former colonial countries. Such inventions are launched to isolate the young independent states from the socialist camp, to prove that on the international stage they should, allegedly, play the part of some kind of third force and not oppose imperialism.

Is it necessary to mention that such reasoning is downright charlatanism? It is a historical fact that before the victory of the Great October Socialist Revolution nations were not able to

break the shackles of colonialism. History has proved that without the establishment of socialism, if only in a part of the world, there could have been no question of the abolition of colonialism. The imperialist powers, primarily the United States, are exerting every effort to attach to their own system the countries which have freed themselves from the yoke of colonialism, and thus to strengthen the position of world capitalism by providing it—as the bourgeois ideologists say—with new blood, to rejuvenate and consolidate it.

If one faces facts, it cannot be ignored that the imperialists possess strong economic inducements for influencing the liberated countries. They are still able to enmesh certain politically independent countries in the net of economic dependence. Now, when the establishment of overt colonial regimes is impossible, the imperialists resort to camouflaged forms of enslaving and looting the liberated countries.

At the same time the colonial powers maintain internal reactionary forces everywhere in the liberated countries. They attempt to implant puppet dictatorial regimes and draw these countries into aggressive blocs. Although the sharpest divergencies are observed among the imperialist states, they often act jointly against the national liberation movement. But if all the factors influencing the fate of the peoples who have thrown off colonialism are taken into consideration, the conclusion is that the trends of social progress opposed to imperialism will eventually prevail. However, these questions are settled in the acute struggle within each country.

The conference statement contains important clauses concerning basic questions of development of the national liberation struggle, whose tasks the communist parties are striving to carry out. Their position in regard to various classes and social groups are also noted there.

Expressing the unity of views of the Marxist-Leninist parties, the statement directs maximum utilization of the revolutionary capabilities of the various classes and social strata, drawing into the struggle against imperialism all, even inconsistent, wavering, unsteady allies. Communists are revolutionaries, and it would be a bad thing if they did not take advantage of new opportunities that arose and found new methods and forms providing the

best way to achievement of the ends in view.

Particular note should be taken of the idea in the statement concerning formation of national democracies. The statement describes the basic features of this state and the tasks it is called on to carry out.

It is important to stress that with the immense variety of conditions in countries whose peoples have risen to independent, historic creative work, various forms of settling problems of social progress cannot fail to arise. The correct application of Marxist-Leninist theory in countries which have freed themselves consists indeed in seeking forms for uniting the whole national (word indistinct) while taking account of the special features of the economic, political, and cultural life of the peoples, in insuring the leading role of the working class in the national front, and in the struggle for resolute extermination of the roots of imperialism and the remnants of feudalism, for clearing the roots of imperialism and the remnants of feudalism, for clearing the way for an eventual movement toward socialism.

At present, when imperialist reaction is trying to foist a policy of anticommunism on the young, independent states, a truthful explanation of communist views and aims becomes particularly significant. Communists generally support democratic measures taken by national governments. At the same time, communists explain to the masses that these measures are not socialist ones.

To no one are the hopes of the peoples bursting the fetters of colonialism as dear and as comprehensible as to the working people of the socialist countries, to the communists of the whole world. Our very world outlook and the interests of working mankind, for which we fight, urge us to do everything we can so that the peoples follow the right road to progress and the efflorescence of their material and spiritual forces. By our policy we must strengthen the confidence of the peoples in the socialist countries.

The assistance of the USSR and other socialist states to countries which have won their independence pursues a single goal: To contribute to the strengthening of the position of those countries in the struggle against imperialism, to the development of their national economies, and to the improvement of the living conditions of their peoples. Engels, noting the im-

mense interest of the working class and of the leading countries in making colonial countries independent at the earliest possible date, wrote that only one thing was beyond all doubt: The victorious proletariat cannot enforce happiness upon other people without undermining its own victory.

The international duty of the victorious working class is to help the peoples of economically underdeveloped countries to completely break the fetters of colonial enslavement and to give them all-round support in their struggle against imperialism and for self-determination and independent development.

It does not follow from this, however, that the socialist help does not influence the prospects of the further development of countries which have won their freedom.

The Soviet Union has been and remains a sincere friend of colonial peoples and has always stood guard over their interests and aspirations to independence. We will continue to strengthen and develop economic and cultural cooperation with countries which have entered the path of independent existence.

The Soviet Union submitted for consideration by the 15th session of the U.N. General Assembly a declaration on the granting of independence to colonial countries and peoples. As a result of acute political struggle around this proposal, which seethed not only in the United Nations but outside it, the General Assembly adopted the declaration on granting independence to colonial countries and peoples.

The main conclusion of the Soviet declaration, the necessity of a speedy and final liquidation of colonialism in all its forms and manifestations, was on the whole reflected in the decision passed by the United Nations. This was a great victory for the progressive forces and for all socialist states which firmly and consistently defend the cause of the freedom and independent national development of peoples.

It is necessary to stress that in the solution of this problem at the U.N. General Assembly colonizers were isolated by socialist and neutralist countries, countries which take the stand for the liquidation of colonial system. Even some of the countries which belong to aggressive blocs, for instance, Norway and Denmark, voted for the liquidation of the colonial system. The colonizers were left among a miserable handful of nine countries which ab-

stained from voting. This is highly characteristic, as it shows to the whole world who stands for the liquidation of the colonial system and what the so-called free countries uphold.

Is it not significant that among those who abstained were representatives of such countries as the United States, Britain, France, Spain, Portugal, Belgium, and others? Despite being doomed to fail, colonialism still has quite a considerable strength of resistance and will cause much harm to many peoples. Around it there gathers all that is obsolete and reactionary. Colonialism is the direct or indirect cause of many conflicts threatening mankind with a new war.

Colonialism, which more than once has led to bloodshed, still is fraught with the danger of war. Now and again it manifests itself in the outbreaks of vicious madness, which is eloquently proved by the bloody events in Algeria, the Congo, and Laos. It still grips in its tenacious claws tens of millions of people. Not all the peoples who won state independence enjoy its benefits, since in the economies of their countries foreign monopolies continue their domination.

To demolish these last remnants of the colonial system of imperialism, to protect the peoples that are gaining independence from encroachment by colonial powers, and to help these peoples in the implementation of their liberation ideals—therein the peoples of the socialist countries and communists and progressive people of the world see their duty.

Some ideological questions of the communist movement:

When summing up the results of the world-historic victories of the communist movement, we give thanks first of all to our great teachers Karl Marx, Friedrich Engels, and Vladimir Ilich Lenin. Their teaching has made the international communist movement a spontaneous movement and has insured its victories. In working out our strategy and tactics for the future, we again rely for advice on Marx, Engels, and Lenin. The guarantee of all our future victories lies in faithfulness to Marxism-Leninism.

The path of the communist movement has been difficult and thorny. No other party has had to go through so many trials and so many sacrifices. Numerous reactionaries have been trying to destroy communism, yet communism has emerged from all these trials ever stronger and has become

a mighty force today. You have all seen beautiful giant trees deeply rooted in the soil. Such trees fear no storms or hurricanes. A storm may pass and break brittle trees, while the giant tree remains standing unshakable. Its crown becomes even thicker and rises higher toward the sun. The same occurs in the communist movement. Imperialist reaction has sent one storm after another upon it, but the communist movement remains steadfast; it is growing and is becoming stronger.

Forty-one years ago, here in Moscow, the First Congress of the Comintern took place. Communist parties and left-wing socialist organizations from 30 countries were represented at the congress. If one were to discount the communist parties of the republics which now form a part of the USSR, only five communist parties existed in all of Europe at that time. In Asia, Africa, Australia, and Oceania there were no communist parties. On the American continent there was only the communist party of Argentina. Now there are communist and workers parties in 87 countries. They unite in their ranks more than 36 million people. The ideas of communism have captured the minds of millions of people in every corner of the world. This is good, very good.

Comrades, we are witnesses to the birth of a succession of new communist parties. After the Moscow conference in 1957 12 parties have been formed and have established international ties.

If Marx, Engels, and Lenin could have been present at the November conference of the representatives of communist and workers parties, how happy they would have been to see such a mighty army of communists from the whole world! The growth of the ranks of communist parties reflects the striving of the popular masses toward communism. It is one of the remarkable phenomena of today.

The communist system for which Marxists-Leninists struggled has been prepared by the entire process of social development, and the transition to it is a ripe task. Marxist-Leninists cannot fail to be concerned with, and are in fact concerned with, interpreting the ways of transition to the new society, and here not a few complex problems arise. Fraternal parties have highly rated the contribution made at the 20th C.P.S.U. Congress to the elaboration of urgent problems. The conference of communist and workers parties in 1957 and the November forum of the world communist move-

ment in 1960 devoted serious attention to the elaboration of these problems and have advanced the theory and practice of the communist movement. Recognition of the necessity of a revolutionary transformation of capitalist society into a socialist society is an axiom for us Soviet communists, sons of the October Revolution. The path to socialism lies through proletarian revolution and the establishment of the dictatorship of the proletariat.

As for the forms of transition to socialism, they will, as was pointed out by the 20th C.P.S.U. Congress, become increasingly diverse, and it is not essential that the transition to socialism everywhere and in all cases be connected with armed uprisings and civil war.

Marxism-Leninism proceeds from the view that the forms of transition to socialism can be of a peaceful or non-peaceful nature. Revolution by peaceful means is in keeping with the interests of the working class and the masses. But if the ruling classes counter revolution with force and are unwilling to bow to the will of the people, the proletariat must break their resistance and start a resolute civil war.

We are convinced that as the might of the world socialist system increases and the level of organization of the working class in capitalist countries improves, increasingly favorable conditions for socialist revolutions will occur.

Transition to socialism in countries with developed parliamentary traditions can also be carried out by making use of parliament and in other countries of institutions in keeping with their national traditions. Here it is not a case of making use of bourgeois parliaments but of the parliamentary form, in order to make it serve the people and give it new content.

Thus, it is not a case of some kind of electoral combinations, of battle merely for the ballot box—that is what the reformists do. Such are alien to communists. For us the unification and rallying of the revolutionary forces of the working class and all working people and the deployment of mass revolutionary actions are an essential condition to gain a firm majority in parliament.

To gain a majority in parliament, to make of it a body of popular power with the existence of a powerful revolutionary movement in the country, means the overthrow of the mili-

tary bureaucratic machine of the bourgeoisie and creation of a new proletarian state system in parliamentary form. It is obvious that in countries where capitalism is still strong, where it has a huge military and policy apparatus, the transition to socialism will unavoidably take place in conditions of an acute class struggle. The decisive condition for all forms of transition to socialism is political leadership of the working class headed by the communist vanguard.

These conclusions reached by the 20th C.P.S.U. Congress are based on the theory of Marxism-Leninism, on the practice of fraternal communist parties, on the experience of the international communist movement, and correctly take into consideration the change in international conditions. They direct communist parties toward cohesion of the working class and the majority of people to master all forms of struggle—peaceful and nonpeaceful, parliamentary and nonparliamentary. Lenin taught the communists to be ready, depending on the situation, to make use of one form or another of struggle and to educate the working masses in the spirit of readiness for resolute revolutionary actions.

Of course, to define what forms and methods of struggle will be selected by the working class in one country or another under concrete historical circumstances is the task of the proletariat itself in each country, and of its communist vanguard.

It must be emphasized here that under present conditions the following tenet in the statement of the conference is of special significance: The communist parties, being guided by Marxist-Leninist teaching, have always opposed the export of revolution; at the same time they resolutely struggle against the imperialist export of counter revolution; they regard it as their international duty to call upon people in all countries to rally and mobilize all their internal forces, to work actively, and, basing themselves on the might of the world socialist system, prevent or resolutely rebuff interference by the imperialists in the people's affairs in any country which has risen to revolt.

It is a very complicated thing to lead the masses to socialist revolution. It is known from our party's experience that the Bolsheviks, struggling for power, devoted their principal attention to working among the masses, to establishment and consolidation of

the union of the working class with the peasantry, to training the political army of the socialist revolution. Leninists worked wherever there were masses—among the workers, peasants, women, young people, in the army. Each party can see better which slogan at any moment corresponds best with the task of winning the masses, leading them forward, stimulating cohesion of the political army of the socialist revolution.

The conference emphasized the important part played by work among young people. Bourgeois propaganda is spreading inventions about modern youth, calling it the lost generation and presenting it as aloof from politics. However, recent revolutionary actions in a number of countries show that youth is a great revolutionary force. No other political party can attract young people in the same way as the communists, the most revolutionary party. And young people like bold revolutionary actions.

The working class is the leading revolutionary force of our time. In the world army of labor, the working class of developed capitalist countries occupies an important part. These countries number 160 million workers and employees, which is equal to no less than three-fifths of the total of workers and employees in the entire nonsocialist world.

The working class of the developed capitalist countries presents an immense revolutionary force, not only because of its numerical strength, but primarily because it is organized. It has mass trade unions and its own mass parties. We understand full well that communists in western Europe and the United States encounter great and specific difficulties. They have to deal with an experienced bourgeoisie having at its disposal immense material resources and a powerful military, police, and ideological machine. But we have profound confidence in the working class of the west European countries, the heir of the revolutionary traditions of the Paris Commune and of the British Chartists, the leader and organizer of antifascist resistance. The working class, which in many countries has experienced mass communist parties possessing tested Marxist-Leninist cadres, will make its contribution to the cause of the revolutionary transformation of society.

Comrades, the greater the successes of the socialist system, the greater the growth of the international army

of communists, the more the bourgeoisie rages. It adopts fascist methods of administration and regimes of tyranny. It mobilizes all its means of propaganda in an attempt to whitewash the capitalist order and to defame socialism and our communist ideas.

Bourgeois propaganda is assuming an increasingly cunning nature. Its main weapon in the struggle against the socialist camp and the communist parties is anticommunism. We must resolutely unmask this antiscientific and purely false ideology. The cause of socialism cannot progress successfully without a determined struggle against opportunism in the workers and communist movement, without a struggle against revisionism, dogmatism, and sectarianism.

You all know well that three years ago the communist movement was subjected to wild attacks by revisionists and that in some countries it concerned the life and death of the revolutionary parties of the working class. In the Communist Party of such a country as the United States the revisionist group of Gates was active. In the Danish Communist Party undermining activity was conducted by the Larsen group. The revisionists were a serious danger to some other fraternal parties as well.

It can be noted with a feeling of profound satisfaction that revisionist pollution was unmasked and thrown out of the party. From the struggle with the revisionists the communist parties emerged stronger and more mature, wiser in experience. The communist parties unanimously condemned the Yugoslav variety of contemporary revisionism. The struggle against revisionism, against all sorts of deviations from Leninism, retains its urgency. It is a struggle to strengthen the socialist camp and consistently implement the principles of Marxism-Leninism.

Vladimir Ilich Lenin, with his usual perspicacity, stated that the struggle with the evil of nationalism, with the most deep-rooted national petty bourgeois prejudices, moves more and more urgently into the foreground as a task of turning the dictatorship of the proletariat from a national one—one existing in a single country and incapable of determining world policy—into an international one—a dictatorship of the proletariat in at least several leading countries and capable of having a decisive influence on all world policy.

The struggle with revisionism in all its forms still remains today an important task of the communist parties. As long as the bourgeois order exists, there will be a nutritive medium for the ideology of revisionism too. Therefore, we must always keep our powder dry and wage implacable war on revisionism which tries to wipe out the revolutionary essence of Marxism-Leninism, whitewash modern capitalism, undermine the solidarity of the communist movement, and encourage communist parties to go their separate national ways (*razvesti kommunisticheskiya partii po natsionalnym kvartiram*).

The communist movement has another danger: Dogmatism and sectarianism. At the present time, when a rallying of all forces for the struggle against imperialism, for the prevention of war, and for the overthrow of the monopolies is required, dogmatism and sectarianism can do great harm to our cause. Leninism is uncompromising toward dogmatism. Lenin wrote: It is essential to learn the indisputable truth that a Marxist must take account of life, of the exact facts of reality, and not go on clinging to yesterday's theory, which, like all theory, at best outlines fundamentals, generalities, and only approximates a total comprehension of the complexities of life.

Dogmatism nourishes sectarian stodginess which hinders the rallying of the working class and all progressive forces around the communist parties. Dogmatism and sectarianism are in irreconcilable contradiction to the creative development of revolutionary theory and its creative application in practice. They lead to the isolation of communists from the broad strata of the workers; they condemn them to passive temporizing or leftist adventurist activities in the revolutionary struggle; they prevent full use of all opportunities in the interests of the victory of the working class and all democratic forces.

The statement stresses that the communist parties will continue to wage a resolute struggle on two fronts: against revisionism, which remains the main danger, and against dogmatism and sectarianism. Unless a consistent struggle is waged against them, dogmatism and sectarianism may even become the main danger at one stage or another of the development of individual parties. The communist and workers parties consider it their in-

ternational duty to hold high the banner of creative Marxism-Leninism as a decisive condition for all our further victories.

For the further consolidation of the communist movement on the principles of Marxism-Leninism:

Comrades, the struggle between the communist and all the popular forces on one side, and the forces of imperialism on the other, is entering a new stage. In these conditions the solidarity of the ranks of the socialist camp and the entire international communist movement acquires foremost importance. Our solidarity on the principles of Marxism-Leninism and proletarian internationalism is the main condition for victory of the working class over imperialism. We keep sacred the bequest of the great Lenin—to march forward firmly holding hands. The unity of our ranks increases the strength of communism tenfold. Solidarity, solidarity, and again solidarity—such is the law of the international communist movement.

It follows from the essence of Leninism itself that every Marxist-Leninist party must prevent, both within its own ranks and in the international communist movement, any action which could undermine its unity and solidarity. The common aim of the struggle of all communists of the world demands, as before, a unity of will and action of the communist parties of all countries. The conference made a major contribution to the further consolidation of the international communist movement by declaring, in complete accord with Leninist teaching, that the communist parties will in every way strengthen the unity of their ranks and the unity of the whole international communist movement.

The interests of the struggle for the cause of the working class demand an increasing cohesion of the ranks of every communist party and of the great army of communists of the world. The declaration says that unity of will and action and a concern for the constant strengthening of the unity of the international communist movement constitute the supreme international duty of every Marxist-Leninist party.

A resolute defense of the unity of the international communist movement on the principles of Marxism-Leninism and proletarian internationalism, and a prevention of any action capable of undermining this unity constitute a necessary condition for a victory

in the struggle for national independence, democracy, and peace, and for a successful solution of the tasks of the socialist revolution, the building of socialism and communism. A violation of these principles would lead to a weakening of the forces of communism.

It should be noted that the delegation of the C.P.S.U. at the conference set out its viewpoint concerning the wording that the Soviet Union is at the head of the socialist camp and that the C.P.S.U. is at the head of the communist movement. Our delegation declared that in this wording we see first of all high praise of the services of our party, which was created by Lenin, and an expression of cordial thanks to all fraternal parties.

Our party, nurtured by Lenin, has always regarded it as its foremost duty to fulfill international obligations to the international working class. The delegation assured the participants of the conference that the party in the future too would bear high the banner of proletarian internationalism and would spare no effort to fulfill its international obligations. At the same time, the C.P.S.U. delegation proposed that the wording should not be included in the declaration or other documents of the communist movement.

Regarding the principles of mutual relations between the fraternal parties, the C.P.S.U. expressed its position most definitely at the 21st party congress.

From the tribune of the congress we declared before the whole world that in the communist movement, just as in the socialist camp, there has existed and exists complete equality of rights and solidarity of all communist and workers parties and socialist countries. The C.P.S.U. in reality does not exercise leadership over other parties. In the communist movement there are no parties that are superior or subordinate. All communist parties are equal and independent. All carry responsibility for the destiny of the communist movement, for its victories and failures. Each communist and workers party is responsible to the working class, the working people of its own country, to the entire international workers and communist movement.

The role of the Soviet Union does not lie in the fact that it leads other socialist countries but in the fact that it was the first to blaze the trail to socialism, is the most powerful country in the world socialist system, has amassed a great deal of positive ex-

perience in the struggle for the building of socialism, and was the first to enter the period of comprehensive construction of communism. It is stressed in the statement that the universally acknowledged vanguard of the world communist movement has been and still remains the C.P.S.U. as the most experienced and hardened unit of the international communist movement.

At the moment, when there exists a large group of socialist countries, each of which is faced with its own tasks, when there are 87 communist and workers parties functioning each of which moreover is also faced with its own tasks, it is not possible for leadership over socialist countries and communist parties to be exercised from any center at all. This is neither possible nor necessary.

There have grown up in the communist parties hardened Marxist-Leninist cadres capable of leading their own parties, their countries. However, in practice, as is well known, the C.P.S.U. does not give directives to any other parties. The fact that we are called the leader gives no advantages either to our party or to other parties. On the contrary, it only creates difficulties.

As is evident from the text of the statement, the fraternal parties have agreed with the conclusions of our delegation. The question may arise: Will our international solidarity not be weakened by the fact that this provision is not written down in the statement? No, it will not be weakened. At the present time there is no statute which could regulate relations between parties. Instead, we have a common Marxist-Leninist ideology, and loyalty to it is the main condition of our solidarity and unity. It is necessary to be consistently guided by the teaching of Marx, Engels, and Lenin: to resolutely practice the principles of Marxism-Leninism. Then the cause of international solidarity of the communist movement will continually strengthen.

Our party as an internationalist party is following with great attention the struggle of its class brothers in all countries. We are well aware of the difficulties that communists struggling under capitalism must overcome. From the rostrum of the conference the C.P.S.U. delegation expressed the boundless solidarity of our party with fighters for the cause of communism in capitalist countries, especially with our comrades languishing in prison

torture chambers in Spain and Portugal, Greece and West Germany, the UAR, Iraq and Iran, the United States and Paraguay, and all other prisoners of capitalism. We are confident that our words of greetings will give heart to the self-sacrificing fighters for the people's happiness.

Comrades, representatives of communists in all countries attended the meeting at a remarkable time, when the world communist movement is in a great upsurge. Outstanding successes have been scored by communist parties in the capitalist countries. Communism in those countries where the working class has been victorious is scoring ever new successes. These countries not only withstood the pressure of class enemies both inside and outside the countries but, implementing the principles of Marxism-Leninism on socialist construction, have attained a high upsurge in the development of economy, culture, science, and technology, in raising the people's living standards.

The peoples in those countries demonstrate monolithic unity around communist and workers parties. While in the past the slogan of the struggle for socialism and communist transformation was the slogan of communist parties, now the struggle for socialism and communism has become a nationwide cause in those countries, a nationwide struggle for the triumph of a new communist world. Thus life itself confirms the validity of our revolutionary theory, the validity and vitality of Marxism-Leninism.

Very rewarding for us communists is the fact that the great force of communism is seen not only by the peoples in the socialist countries but by people who do not recognize the teachings of Marxism-Leninism. They are compelled to recognize the great results of the development of our countries attained on the basis of Marxist-Leninist teaching. This, comrades, is of great significance.

Marxist-Leninist theory is the guiding light for our actions. The communists, as the leading detachment of the working class, have always regarded it as a scientific program in their struggle for victory, wholeheartedly believe in this teaching, and consistently and firmly struggle for its implementation. Today, guided by this teaching, the socialist countries score great successes in economic competition with the capitalist states, and the masses see that socialism and communism are the greatest force of

our times; they see that the future belongs to communism.

Of course, in building socialism and communism, new forms and methods yielding good results in the achievements of the great socialist aims are emerging. Since different conditions exist in various socialist countries, it is natural that every communist party applies Marxist-Leninist theory in accordance with conditions in its country. Therefore we must understand such strivings by the fraternal parties, who know better the conditions and peculiarities in their countries. We are proceeding from the statement by the great Lenin that all nations will come to socialism. This is unavoidable. But all will not come in the same way. Each of them will bring its own traits into one or another form of democracy, into one or another variety of dictatorship of the proletariat, into one or another rate of socialist transformations in various aspects of social life. But, of course, there is no need to exaggerate the significance of these peculiarities, to overstress them, failing to see the main part of communist construction indicated by the teaching of Marx and Lenin.

We have always been firmly defending and will defend purity of the great teaching of Marxism-Leninism and the basic principles of its implementation. Representatives of communist and workers parties exchanged their opinions on the present international situation, discussed the urgent problems of the communist and workers movement, or, as comrades figuratively stated at the conference, synchronized their watches. Indeed, the socialist countries and the communist parties must synchronize their watches. When someone's clock is fast or slow, it is regulated so that it shows the correct time. Similarly, it is necessary to check the time of the communist movement, so that our powerful army keeps in step and makes confident strides toward communism. If it is possible to use such a figure of speech, Marxism-Leninism and the jointly worked out documents of international communist conferences serve us as chimes, striking the hour. After all, the communist and workers parties attending the conference unanimously worked out their decisions. Every party will adhere to these decisions in a strict and sacred manner, throughout its activities.

Comrades, the importance of the conference lies in the fact that as its result the participants of the con-

ference have felt even better, stronger, and more confident. There has opened before them to an even wider extent the grandiose epic of the struggle of all communist and workers parties. This contributes to the rallying together of the international communist movement. Every fraternal party emphasized in the international forum its confidence in the victory of our common cause. This is of immense importance for the consolidation of the whole international communist movement. The unity of the ranks of every communist party and the unity of all communist parties constitute the united international communist movement directed at the achievement of our common goal—the triumph of communism throughout the world. The main thing that is now demanded of all communist and workers parties is all-round and persistent efforts to strengthen the unity and cohesion of their ranks.

The unity of the ranks of the communist movement in modern conditions assumes particularly great importance. It is required by the worldwide historic tasks which the communist movement is now called upon to tackle. On behalf of the C.P.S.U. our delegation assured the participants of the conference that we, on our part, would do everything to strengthen still more the close fraternal bonds with all communist parties. Our party will do everything so the socialist camp and the world communist front becomes even stronger. The C.P.S.U. is filled with unswerving determination to strengthen the unity and friendship with all fraternal parties of socialist countries and with the Marxist-Leninist parties of all the world.

In this connection, I would like to refer to our invariable endeavor to strengthen the bonds of fraternal friendship with the Chinese Communist Party, with the great Chinese people. In our relations with the Chinese Communist Party our party is always guided by the fact that the friendship of the two great peoples, the cohesion of our two parties—the largest in the international communist movement—is of exceptional importance in the struggle for the triumph of our common cause. Our party has always made, and will continue to make, every effort to strengthen this great friendship. With People's China, with the Chinese communists, just as with the communists of all countries, we share one goal, the safeguarding of peace

and the building of communism; we share common interests, the happiness and well-being of the working people; and we share the common basis of firm principles, Marxism-Leninism.

The C.P.S.U. and Soviet people will do everything to insure that the unity of our parties and our peoples will increasingly strengthen so as not only to disappoint the enemies but to shake them even more with our unity and to attain our great goal—the triumph of communism.

Comrades, we live at a splendid time: communism has become the invincible force of our century. The further successes of communism depend to an enormous degree on our will, our unity,

our foresight and resolve. Through their struggle and their labor, communists, the working class, will attain the great goals of communism on earth. Men of the future, communists of the next generations will envy us. In their thoughts they will always revert to our days when the lines from the party anthem "We shall build our own new world and those who were nothing will become everything!" resounded with particular force.

The C.P.S.U. has been, is, and shall be true to the teaching of Marxism-Leninism, to proletarian internationalism, and friendship among peoples. It will always struggle for universal peace, for the victory of communism as we were taught by the great Lenin.

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